



## LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

## AGENDA - REGULAR MEETING

Date: June 2, 2004

Time: Closed Session 5:30 p.m.  
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

**NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

### C-1 Call to Order / Roll Call

### C-2 Announcement of Closed Session

- a) Conference with Human Resources Director, Joanne Narloch, concerning Vacation Accrual Cap Policy regarding all bargaining units and unrepresented employees pursuant to Government Code §54957.6 (HR)
- b) Conference with Human Resources Director, Joanne Narloch, regarding Association of Lodi City Employees concerning Maintenance and Operators pursuant to Government Code §54957.6 (HR)
- c) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- d) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- e) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- f) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- g) Actual Litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM

### C-3 Adjourn to Closed Session

**NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.**

### C-4 Return to Open Session / Disclosure of Action

#### A. Call to Order / Roll call

B. Invocation – Pastor Chris Guadiz, Fairmont Seventh Day Adventist Church

#### C. Pledge of Allegiance

#### D. Presentations

D-1 Awards – None

D-2 Proclamations – None

D-3 Presentations

- a) Presentation by the Greater Lodi Area Youth Commission regarding Honoring Teens Program (COM)
- b) Presentation regarding Lodi Area All Veterans' Foundation events (CM)

**E. Consent Calendar (Reading; comments by the public; Council action)**

- E-1 Receive Register of Claims in the amount of \$3,938,837.78 (FIN)
- E-2 Approve minutes (CLK)
- a) April 21, 2004 (Regular Meeting)
  - b) April 27, 2004 (Special Meeting)
  - c) May 11, 2004 (Shirtsleeve Session)
  - d) May 11, 2004 (Special Meeting)
  - e) May 18, 2004 (Shirtsleeve)
  - f) May 18, 2004 (Special Meeting)
  - g) May 19, 2004 (Adjourned Special Meeting)
  - h) May 21, 2004 (Adjourned Special Meeting)
  - i) May 21, 2004 (Special Meeting)
  - j) May 25, 2004 (Shirtsleeve Session)
- Res. E-3 Adopt resolution awarding the bid for purchase of one AC HiPot Tester to the sole bidder, High Voltage Inc., of Copake, New York, and appropriate funding (\$6,788.25) (EUD)
- Res. E-4 Adopt resolution authorizing the purchase of 122 40-caliber Glock pistols and 30 Glock magazines from LC Action Police Supply, of San Jose (Asset Seizure \$20,569.77) (PD)
- Res. E-5 Adopt resolution awarding contract for the Water and Wastewater Main Replacement Program – Project No. 2 to Crutchfield Construction Company, of Lodi; and appropriate \$2,350,000 for the project (PW)
- Res. E-6 Adopt resolution approving the Improvement Agreement for the public improvements for 2650 West Lodi Avenue and appropriate funds for the required reimbursements (\$8,220) (PW)
- Res. E-7 Adopt resolution approving Fire Mid-Management Addendum to Statement of Benefits (unrepresented) (HR)
- Res. E-8 Adopt resolution ratifying the San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2004-05 (PW)
- E-9 Authorize funds from the Protocol Account for the City Council to host a reception honoring citizen volunteer service and retirements on various boards and commissions (approximately \$5,500 / \$20 per person) (CLK)
- Res. E-10 Adopt resolution appointing James R. Krueger as City of Lodi Treasurer (CM)
- Res. E-11 Adopt resolution approving application for Wastewater Infrastructure EPA Grant and authorize City Manager to execute appropriate documents (PW)

**F. Comments by the public on non-agenda items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**G. Public Hearings**

- G-1 Continue public hearing to July 21, 2004, to consider an appeal received from Key Advertising, Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign and a Variance to double the maximum allowable sign area from 480 square feet to 960 square feet to be located at 1251 South Beckman Road (CD)

**H. Communications**

- H-1 Claims filed against the City of Lodi - None
- H-2 Reports: Boards/Commissions/Task Forces/Committees - None
- H-3 Appointments
  - a) Appointments to the East Side Improvement Committee (CLK)
- H-4 Miscellaneous – None

**I. Regular Calendar**

- Ord. I-1 Adopt urgency ordinance repealing and reenacting Lodi Municipal Code §13.04.130 and  
(Adopt urgency ord.) establishing low-income discounts for water, sewer, and refuse services and adopt resolution  
Res. establishing discounts (PW)
- Res. I-2 Adopt resolution approving the retention of Folger Levin & Kahn as outside counsel and approving  
waiving the joint representation conflict (CA)
- I-3 Consideration of various matters pertaining to the November 2, 2004, General Municipal  
Election (CLK):
  - Res. a) Resolution calling and giving notice of the holding of a General Municipal Election
  - Res. b) Resolution approving entering into a contract with the County of San Joaquin for the County  
Registrar of Voters to provide certain services
  - Res. c) Resolution regarding impartial analyses, arguments, and rebuttal arguments for any  
measure(s) that may qualify to be placed on the ballot
  - Res. d) Resolution adopting regulations pertaining to the candidates' statements
- I-4 Discussion and possible action regarding the proposed Large-Scale Retail Initiative and request by  
the Small City Preservation Committee for the Council to place the measure on the November 2,  
2004 ballot, with the exclusion of the reference to outside retail areas (CLK)
- I-5 Discussion and possible action regarding option to refer the proposed Large-Scale Retail Initiative  
measure to any city agency or agencies for a report on its effect on municipal operations  
(pursuant to California Elections Code Section 9212) (CLK)
- I-6 Introduction of draft fiscal year 2004-05 Financial Plan and Budget (CM)
- Ord. I-7 Introduce ordinance amending Lodi Municipal Code Chapter 12.12 – Parks – by adding  
(Introduce) Article IV, "Skate Parks," relating to skate park regulations (PR)
- Ord. I-8 Introduce ordinance amending Title 10, Chapter 10.44, "Stopping, Standing, and Parking," by  
(Introduce) adding section 10.44.170 related to disabled parking regulations (PD)
- I-9 Discussion and possible action regarding a proposed City of Lodi Code of Ethics and Values (CM)

**J. Ordinances – None**

**K. Adjournment to the following agency meetings:**

- K-1 Meeting of the Lodi Public Improvement Corporation
- K-2 Meeting of the Industrial Development Authority
- K-3 Meeting of the Lodi Financing Corporation
- K-4 Meeting of the City of Lodi Redevelopment Agency

**L. Comments by the City Council Members on non-agenda items**

**M. Comments by the City Manager on non-agenda items**

**N. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

---

Susan J. Blackston, City Clerk



**LODI CITY COUNCIL**  
**Carnegie Forum**  
**305 West Pine Street, Lodi**

**AGENDA - Lodi Public Improvement Corp.**

**Date: June 2, 2004**

**Time: 7:00 p.m.**

For information regarding this Agenda please contact:

**Susan J. Blackston**

**City Clerk**

**Telephone: (209) 333-6702**

***MEETING OF THE  
Public Improvement Corporation (PIC)  
of the City of Lodi***

- A. Call to order – President
- B. Roll call to be recorded by Secretary
- Res. C. Resolution electing new Officers
- D. Other business
- E. Comments by public on non-agenda items
- F. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

---

Susan J. Blackston  
Secretary  
Lodi Public Improvement Corporation



**LODI CITY COUNCIL**  
**Carnegie Forum**  
**305 West Pine Street, Lodi**

**AGENDA - Industrial Development Authority**

**Date: June 2, 2004**

**Time: 7:00 p.m.**

For information regarding this Agenda please contact:

**Susan J. Blackston**

**City Clerk**

**Telephone: (209) 333-6702**

**Industrial Development Authority (IDA)**  
**of the City of Lodi**

- A. Call to order – Chairperson
- B. Roll call to be recorded by Secretary
- Res. C. Resolution electing new Officers
- D. Other business
- E. Comments by public on non-agenda items
- F. Adjournment

Pursuant to Section 54956.2(a) of the Government Code of the State of California, this Agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

---

Susan J. Blackston  
Secretary  
Industrial Development Authority



**LODI CITY COUNCIL**  
**Carnegie Forum**  
**305 West Pine Street, Lodi**

**AGENDA - Lodi Financing Corporation**  
**Date: June 2, 2004**  
**Time: 7:00 p.m.**

For information regarding this Agenda please contact:

**Susan J. Blackston**  
**City Clerk**  
**Telephone: (209) 333-6702**

***MEETING OF THE***  
**Lodi Financing Corporation**

- A. Call to order – President
- B. Roll call to be recorded by Secretary
- Res. C. Resolution electing new Officers
- Res. D. Adopt resolution approving the retention of Folger Levin & Kahn as outside counsel and approving waiving the joint representation conflict (CA)
- E. Other business
- F. Comments by public on non-agenda items
- G. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

---

Susan J. Blackston  
Secretary  
Lodi Financing Corporation



**LODI CITY COUNCIL**  
**Carnegie Forum**  
**305 West Pine Street, Lodi**

**AGENDA – Redevelopment Agency**  
**Date: June 2, 2004**  
**Time: 7:00 p.m.**

For information regarding this Agenda please contact:

**Susan J. Blackston**  
City Clerk  
Telephone: (209) 333-6702

**MEETING OF THE**  
**Redevelopment Agency**  
**Of the City of Lodi**

- A. Call to order – Chairperson
- B. Roll call to be recorded by Secretary
- Res. C. Resolution electing new Officers
- D. Other business
- E. Comments by public on non-agenda items
- F. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

---

Susan J. Blackston  
Secretary  
Redevelopment Agency of the City of Lodi



TM

## **CITY OF LODI COUNCIL COMMUNICATION**

### **AGENDA TITLE**

**Presentation by the Greater Lodi Area Youth Commission  
regarding Teen of the Month Program**

**MEETING DATE:** June 2, 2004

**PREPARED BY:** Greater Lodi Area Youth Commission Coordinator

---

**RECOMMENDED ACTION:** Presentation.

### **BACKGROUND INFORMATION:**

The Greater Lodi Area Youth Commission, in conjunction with Central Valley Waste Services, Inc., is sponsoring a program entitled Teen of the Month. The Lodi Youth Commission selects one teen to be awarded this honor from the applications submitted to the commission from the general public, various schools, and church groups. The Teen of the Month for May is Ashley Dominguez from Tokay High School.

**FUNDING:** None required.

Mike Areida  
Greater Lodi Area Youth Commission  
Coordinator



Teen of the Month  
May 2004

Ashley Fumiko Dominguez is a senior at Tokay High School. She is the daughter of Alan Dominguez and Christine Murphy Raymond. During her time at Tokay, Miss Dominguez took four years of Japanese and spent three years as a SPIRIT Member. She participated on the Link team, volleyball team, basketball, and track and field. Throughout all this, she maintained a 3.2 GPA, worked at Long's Drug Store in Galt, and volunteered with the American Cancer Society.

After graduation, Miss Dominguez plans to attend California State University of San Francisco where she hopes to have a double major in Biochem and Japanese. After completing her studies in San Francisco, her goal is to attend UCLA for med school.



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Presentation Regarding Lodi Area All Veterans' Foundation Events

**MEETING DATE:** June 2, 2004

**PREPARED BY:** Janet L. Hamilton, Management Analyst

---

**RECOMMENDED ACTION:** None.

**BACKGROUND INFORMATION:** Captain Robert Bechill will be presenting a short speech on planned Lodi Area All Veterans' Plaza events, including An Evening on the Plaza, Veterans' Day preparations, and the return of Oktoberfest.

**FUNDING:** None required.

---

Janet Hamilton  
Management Analyst

---

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Receive Register of Claims Dated May 18, 2004 in the Amount of \$3,938,837.78

**MEETING DATE:** June 2, 2004

**PREPARED BY:** Finance Technician

---

**RECOMMENDED ACTION:** That the City Council receive the attached Register of Claims. The disclosure of the PCE/TCE expenditures are shown as a separate item on the Register of Claims.

**BACKGROUND INFORMATION:** Attached is the Register of Claims in the amount of \$3,938,837.78 dated May 4, 2004, which includes PCE/TCE payments of \$0.00.

**FUNDING:** As per attached report.

\_\_\_\_\_  
James R. Krueger, Finance Director

JK/kb

Attachments

---

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

Accounts Payable  
Council Report

Page 1  
Date - 05/18/04  
Amount

As of Thursday	Fund	Name	Amount
05/13/04	00100	General Fund	431,308.74
	00103	Repair & Demolition Fund	500.00
	00123	Info Systems Replacement Fund	459.00
	00160	Electric Utility Fund	20,083.86
	00161	Utility Outlay Reserve Fund	4,532.94
	00164	Public Benefits Fund	6,891.67
	00170	Waste Water Utility Fund	5,962.76
	00172	Waste Water Capital Reserve	25,954.73
	00180	Water Utility Fund	4,209.37
	00181	Water Utility-Capital Outlay	1.28
	00210	Library Fund	2,301.94
	00234	Local Law Enforce Block Grant	9,493.99
	00270	Employee Benefits	41,255.85
	00310	Worker's Comp Insurance	10,149.67
	00320	Street Fund	70.47
	00325	Measure K Funds	898.53
	00327	IMF(Local) Streets Facilities	2,586.00
	00332	IMF(Regional) Streets	96,106.00
	01211	Capital Outlay/General Fund	4,513.00
	01250	Dial-a-Ride/Transportation	10,239.29
	01410	Expendable Trust	6,303.92
Sum			683,823.01
Total for Week			
Sum			683,823.01

1		Accounts Payable	Page	-
		Council Report	Date	- 05/18/04
As of	Fund	Name	Amount	
Thursday				
-----	-----	-----	-----	
05/06/04	00100	General Fund	764,293.35	
	00120	Vehicle Replacement Fund	215.39	
	00123	Info Systems Replacement Fund	269.38	
	00160	Electric Utility Fund	2,115,405.19	
	00161	Utility Outlay Reserve Fund	9,857.69	
	00164	Public Benefits Fund	4,075.89	
	00170	Waste Water Utility Fund	17,817.38	
	00172	Waste Water Capital Reserve	116,329.53	
	00180	Water Utility Fund	3,815.32	
	00181	Water Utility-Capital Outlay	776.18	
	00210	Library Fund	5,241.68	
	00234	Local Law Enforce Block Grant	3,371.50	
	00235	LPD-Public Safety Prog AB 1913	1,949.04	
	00270	Employee Benefits	23,162.30	
	00300	General Liabilities	18,057.02	
	00310	Worker's Comp Insurance	12,110.41	
	00327	IMF(Local) Streets Facilities	10,106.98	
	01211	Capital Outlay/General Fund	7,779.28	
	01250	Dial-a-Ride/Transportation	128,869.49	
	01410	Expendable Trust	11,511.77	
			-----	
Sum			3,255,014.77	
			-----	
Total for Week				
Sum			3,255,014.77	

## Council Report for Payroll

Page -

1

Date -

05/18/04

Payroll	Pay Per Date	Co	Name	Gross Pay
-----				
-				
Regular	05/09/04	00100	General Fund	816,741.24
		00160	Electric Utility Fund	152,858.79
		00161	Utility Outlay Reserve Fund	2,483.52
		00164	Public Benefits Fund	4,878.40
		00170	Waste Water Utility Fund	60,602.53
		00180	Water Utility Fund	8,588.59
		00210	Library Fund	32,313.08
		00235	LPD-Public Safety Prog AB 1913	1,781.60
		01250	Dial-a-Ride/Transportation	2,844.05
				-----
Pay Period Total:				
Sum				1,083,091.80



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve Minutes

- a) April 21, 2004 (Regular Meeting)
- b) April 27, 2004 (Special Meeting)
- c) May 11, 2004 (Shirtsleeve Session)
- d) May 11, 2004 (Special Meeting)
- e) May 18, 2004 (Shirtsleeve)
- f) May 18, 2004 (Special Meeting)
- g) May 19, 2004 (Adjourned Special Meeting)
- h) May 21, 2004 (Adjourned Special Meeting)
- i) May 21, 2004 (Special Meeting)
- j) May 25, 2004 (Shirtsleeve Session)

**MEETING DATE:** June 2, 2004

**PREPARED BY:** City Clerk

---

**RECOMMENDED ACTION:** That the City Council approve the following minutes as prepared:

- a) April 21, 2004 (Regular Meeting)
- b) April 27, 2004 (Special Meeting)
- c) May 11, 2004 (Shirtsleeve Session)
- d) May 11, 2004 (Special Meeting)
- e) May 18, 2004 (Shirtsleeve)
- f) May 18, 2004 (Special Meeting)
- g) May 19, 2004 (Adjourned Special Meeting)
- h) May 21, 2004 (Adjourned Special Meeting)
- i) May 21, 2004 (Special Meeting)
- j) May 25, 2004 (Shirtsleeve Session)

**BACKGROUND INFORMATION:** Attached are copies of the subject minutes, marked Exhibits A through J.

**FUNDING:** None required.

---

Susan J. Blackston  
City Clerk

SJB/JMP

Attachments

---

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, APRIL 21, 2004**

**C-1     CALL TO ORDER / ROLL CALL**

The City Council Closed Session meeting of April 21, 2004, was called to order by Mayor Hansen at 5:33 p.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

**C-2     ANNOUNCEMENT OF CLOSED SESSION**

- a) Prospective sale of real property located at 610 South Guild Avenue (±5 acres) owned by the City of Lodi, California (APN 049-250-77); the negotiating parties are the City of Lodi, California, and Arthur Anderson; Government Code §54956.8
- b) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- c) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- d) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- e) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- f) Actual Litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM

**C-3     ADJOURN TO CLOSED SESSION**

At 5:33 p.m., Mayor Hansen adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 7:04 p.m.

**C-4     RETURN TO OPEN SESSION / DISCLOSURE OF ACTION**

At 7:05 p.m., Mayor Hansen reconvened the City Council meeting, and Interim City Attorney Schwabauer disclosed the following actions.

In regard to Item C-2 (a), a motion to reconsider approval of the sale of real property was made by Council Member Hitchcock and died for lack of a second.

Council Member Hitchcock explained that Item C-2 (a) was for the sale of five acres that the City owns in the industrial area. A prospective buyer had come forward, made an offer, and she had voted in favor of it initially. Subsequently she thought it should have been opened to bid and asked for the reconsideration.

In regard to Item C-2 (b), a motion was made by Council Member Land, approved by a 5-0 vote, to approve technical work for drilling of Cone Penetration Testing wells and a deep groundwater sample in the central plume area.

In regard to Items C-2 (c) through (f) no reportable action was taken.



A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of April 21, 2004, was called to order by Mayor Hansen at 7:05 p.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

B. INVOCATION

The invocation was given by Jan Foster, representing the Bahá'í Faith.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hansen.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 (a) Following introduction by Nancy Martinez, Library Services Director, Mayor Hansen presented a Certificate of Recognition to AmeriCorps Vista representative, Jessie Ryan.

D-1 (b) Fire Chief Pretz presented the Firefighter of the Year 2003 plaque to Captain Pete Iturran.

D-1 (c) Fire Chief Pretz presented plaques to the individuals listed below who were recognized as a Journeyperson, having successfully completed the apprenticeship program, which meets the training standards recommended by the State Board of Fire Services for:

**FIRE MEDIC** (Firefighter I, Firefighter II, Emergency Medical Technician I-NA/FS)

Grant Gibson

David Mettler

Oscar Picazo

**FIRE ENGINEER** (Driver/Operator 1A)

Aimee Dalrymple

John Heinrich

Brian Jungeblut

**FIRE OFFICER** (Fire Officer I, Fire Instructor I)

Bernell Wichman

James Miller

Evan Luke

William Broderick

D-2 (a) Mayor Hansen presented a proclamation to Donna Shaw, representing the Lodi Memorial Hospital Foundation, proclaiming Saturday, May 8, 2004, as "Walk for the Health of It" day in the City of Lodi.

D-2 (b) Mayor Hansen presented a proclamation to David Duncan, representing the California Society of Certified Public Accountants, proclaiming the month of April 2004 as "Financial Literacy Month" in the City of Lodi.

D-2 (c) Mayor Hansen presented a proclamation to Chief Adams proclaiming the week of April 18 – 24, 2004, as "National Volunteer's Week" in the City of Lodi.

D-3 (a) Rob Lechner, Manager of Customer Programs, reported that the Lodi Public Benefits Program currently expends in excess of \$500,000 per fiscal year on direct customer rebates. Two weeks ago Council approved the Lodi Residential Swimming Pool Pump and Motor Rebate Program, which provides rebates ranging from \$150 to \$325 for qualifying high-efficiency pool pumps and motors that are installed in in-ground pools in Lodi.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Mayor Hansen, Beckman second, unanimously approved the following items hereinafter set forth:

- E-1 Claims were approved in the amount of \$4,684,878.30.
- E-2 The minutes of March 30, 2004 (Shirtsleeve Session), April 6, 2004 (Shirtsleeve Session), April 6, 2004 (Special Meeting), April 12, 2004 (Special Meeting), April 13, 2004 (Shirtsleeve Session), April 13, 2004 (Special Meeting), and April 14, 2004 (Special Joint Meeting with Parks and Recreation Commission) were approved as written.
- E-3 Approved the plans and specifications and authorized advertisement for bids for one AC HiPot Tester.
- E-4 "Approve plans and specifications and authorize advertisement for bids for installation of streetlights on Phase IV of the Streetlight Completion Project and authorize the transfer of funds for the project (\$980,000)" was **removed from the Consent Calendar and moved to the Regular Calendar.**
- E-5 Adopted Resolution No. 2004-65 approving the plans and specifications and authorizing advertisement for bids for Henning Substation Heavy Load Access and Driveway, 1345 West Kettleman Lane, and authorizing the City Manager to award the contract and appropriate funds in the amount of \$22,000.
- E-6 Adopted Resolution No. 2004-66 approving the specifications and authorizing advertisement for bids for various street maintenance activities, fiscal year 2004-05, and authorizing the City Manager to accept or reject bids, award the contracts, and accept improvements.
- E-7 "Adopt resolution approving specifications and authorizing advertisement for bids for compressed natural gas street sweeper for the Street Division and authorizing the City Manager to accept or reject bids, award the contract, and appropriate funds (\$200,000)" was **removed from the Consent Calendar and moved to the Regular Calendar.**
- E-8 Approved the specifications and authorized advertisement for bids for 40,000 feet of #1/0 15kV underground conductor.
- E-9 Approved the specifications and authorized advertisement for bids for rental of safety clothing for the Electric Utility Department.
- E-10 Approved the request for proposal and authorized advertisement for bids for concession operations at Lodi Lake Park and other locations (determined quarterly) for recreational events.
- E-11 Authorized advertisement for transportation services for the Sandhill Crane Festival and authorized use of buses should no alternate provider be willing to perform the service.
- E-12 "Adopt resolution approving traffic safety improvements for Stockton Street from 300 feet south of Almond Drive to Kettleman Lane and appropriate funds (\$8,000)" was **removed from the Consent Calendar and moved to the Regular Calendar.**
- E-13 Adopted Resolution No. 2004-67 appropriating additional funds in the amount of \$250,000 for Change Orders for White Slough Water Pollution Control Facility Year 2003 Interim Improvements.

- E-14 Accepted the improvements under the “Armory Park Ball Diamond Renovation Project, 333 North Washington Street” contract.
- E-15 Accepted the improvements under the “Lane Line Painting, Various City Streets, 2002 and 2003” contract.
- E-16 Accepted the improvements under the “Alley South of Pine Street Wastewater Main Rehabilitation Project (Church Street to Hutchins Street)” contract.
- E-17 Adopted Resolution No. 2004-68 accepting the development improvements at 312 and 316 South Sacramento Street.
- E-18 “Adopt resolution approving City participation in the Ham Lane fence construction (Cardinal Street to 1,100 feet south of Cardinal Street) and appropriating funds (\$1,000)” was **removed from the Consent Calendar and moved to the Regular Calendar.**
- E-19 Adopted Resolution No. 2004-69 amending the contract for transit operations with MV Transportation, Inc., to reflect its new subsidiary, MV Public Transportation, Inc., and authorizing the City Manager to execute any documents related to the change.
- E-20 Authorized the City Manager to execute an agreement for property tax allocation for the Galantine Annexation at 5952 East Pine Street.
- E-21 “Adopt resolution authorizing the City Manager to execute electric utility rate contracts for three commercial/industrial customers—Kubota Tractor Corporation, Larry Methvin Installation, and Lodi Memorial Hospital” was **removed from the Consent Calendar and moved to the Regular Calendar.**
- E-22 Adopted Resolution No. 2004-70 authorizing the City Manager to extend the consulting services agreement with Borismetrics to provide professional services to the Electric Utility Department in the amount of \$60,000.
- E-23 Adopted Resolution No. 2004-71 authorizing the City Manager to execute Exhibit C, Revision 7, to United States of America Department of Energy Western Area Power Administration contract 96-SNR-00110 with the City of Lodi for the funding of power operation and maintenance for Central Valley Project Power Facilities.
- E-24 “Adopt resolution approving Memorandum of Understanding between City of Lodi and Lodi Professional Firefighters” was **pulled from the agenda pursuant to staff’s request.**
- E-25 Adopted Resolution No. 2004-72 approving Memorandum of Understanding between City of Lodi and Association of Lodi City Employees (General Services).
- E-26 Adopted Resolution No. 2004-73 authorizing Library administration to apply for two targeted grant opportunities available through the California State Library—a \$6,000 grant entitled, “Global Language Materials” and a “Service for Small Business” grant for approximately \$20,000.

---

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Joanne Mounce announced that the first annual Milk Carton Regatta will be held at the July 4<sup>th</sup> Oooh Aaah Festival this year. All boat entries must float on milk cartons or jugs and have a minimum four person crew. Prizes will be awarded for speed, best decorated, most patriotic, etc.

- George Fink expressed his disappointment that the moratorium on large retail establishments was previously discussed by Council in an emotional manner. He believed that if the Interim City Attorney looked up case law on moratoriums, he would find that an argument can easily be made to make the necessary findings. He asked that Council reconsider the matter or call a special election on the issue of large retail establishment size limitations before November.

Mayor Hansen replied that he met with the Small City Preservation Committee about the subject and had subsequently asked Interim City Attorney Schwabauer to research the issue of vesting, which will be brought back to Council for further discussion.

- Bill Crow stated that the railroad tracks on Cherokee Lane between Lockeford Street and Victor Road have been abandoned for some time; however, buses are still required to stop before proceeding on. He suggested that the tracks be paved over and the crossing signs removed.

Mayor Hansen asked City Manager Flynn to look into Mr. Crow's concerns.

- Joyce Harmon warned that mistletoe is destroying Lodi trees at an alarming rate. She has been working since January 2003 to educate the public about mistletoe. Seven trees have died during the past year. In the five to seven years it takes a tree to die from mistletoe, Lodi will lose about 40 mature trees. Some of the worst infested trees are on City property. She urged Council to find the necessary funds to make Lodi's heritage trees a priority.
- Lee Taylor submitted a petition (filed) signed by 29 residents of south Church Street stating that mistletoe diseased trees are on City easements, and requesting that they be taken care of. Mr. Taylor suggested the use of grant funds.

City Manager Flynn replied that the mistletoe on the trees of the two blocks of south Church Street would be removed within a month.

- Ann Cerney asked for a moratorium on large retail establishments until the proposed initiative has been voted on. She noted that the concept of vesting is a complicated one and conflicts in the matter are usually determined by court action.
- Treacy Elliott, representing the Small City Preservation Committee, requested that a moratorium be placed on the processing of large-scale retail development, including all projects currently in the pipeline until after the General Election in November. The Committee's concern centers on the subject of vesting. Failure to put a moratorium in effect may allow the Wal-Mart Supercenter development to become vested if it has not already. The Committee feels that without a moratorium in place, with wording that will make the election results retroactive to a pre-vesting point, the efforts of the initiative's proponents will have been in vain. If the project becomes vested, the effect of the initiative on it will be null and void. A carefully worded moratorium enacted by the Council will ensure that the voters of the City get to decide what is right for Lodi.
- Joe Pacino read the following editorial published in the January 26, 2004, San Diego Union Tribune:

*One way to look at President Bush's amnesty plan for illegal immigrants is through the lens of the Southern California groceries shut down. Employers such as Wal-Mart already under investigation for hiring illegal immigrants and other malpractices will use amnestied workers to drive wages and benefits down still further. The grocery business is living on the edge and not just in California traditionally. Grocery workers have been able to make a decent living. The wage of full-time unionized clerks averages \$15 an hour; \$25,000 to \$35,000 annually depending on the hours worked. In addition workers have had health care benefits. At these levels grocery clerks survived in this region in spite of its high real estate prices. Often they had long commutes especially if their stores were in affluent neighborhoods, but for decades these workers were as much a part of America's solid*

*middle class as service workers anywhere. They owned houses, raised families, took comfort in belonging to America's company-based health care systems. Along comes Wal-Mart. The world's largest business whose revenues equal an astounding 2% of the United State's Gross Domestic Product, and whose power rivals that of great trusts of a century ago. Specifically Wal-Mart resembles the great Atlantic and Pacific Tea Company, which in its heyday owned 80% of the supermarket business until Washington used the trust laws to whittle it down to size. Wal-Mart plans to open 300 Supercenters this year alone. That includes new stores and expansions of existing stores to add grocery departments directly in competition with Safeway, Vons, Ralph's, Albertsons, and many other stores currently who were involved in the strike lock out just recently. Forty Supercenters are planned for California in coming years. Wal-Mart has the distinction of having four of its own Walton owners ranked among the Americas 10 richest people according to Forbes magazine. The Walton's do especially well because their employees do especially poorly. With clerks earning on the average of 40% less than unionized workers and receiving either marginal health care coverage or none at all, the chain keeps its prices low and owners rich. Last year the five Walton heirs saw their net worth increase from \$94 billion to \$102 billion. Wal-Mart's remarkable growth raises this question. How will blanketing the nation in Supercenters affect our communities? In 1948 the A and P's abuses were flagrant enough that the government used the Robinson Patman-Act to enjoin the company from using price discrimination to drive smaller grocers out of business. But antitrust vigor has faded in our globalized world allowing mastodons to stroll the earth again. Happy with low prices, Wal-Mart customers don't connect those prices to the demise of the neighborhood stores. The influx of illegal immigrants or the use of foreign suppliers to replace U.S. companies. Antitrust law once saw its goal as the organization of industry in small units that can effectively compete against each other. Wal-Mart has replaced the A and P as the grocery leviathan. Changing the face of whole communities is this right. In the economic theory the answer is yes. In economic theory pure competition drives down prices in everyone's benefits, consumers with lower prices, owners with greater profits, workers with higher wages. In the real world competition is never pure, which is why antitrust legislation was written. The risk to society was that Standard Oil, Alcoa, or A and P, would lower prices to drive competitors out of business and then raise the prices.*

Council Member Land suggested that the issue of vesting be brought back for consideration in an expeditious manner. He was sure that the initiative proponents would get the required number of signatures to qualify the petition and stated that if the voters approve it and Wal-Mart moves forward with the Supercenter, he would personally picket their store "for as long as it takes."

Mayor Hansen asked that the moratorium issue be placed on the next regularly scheduled City Council meeting agenda.

#### G. PUBLIC HEARINGS

- G-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hansen called for the public hearing to consider an appeal received from Key Advertising, Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign and a Variance to double the maximum allowable sign area from 480 square feet to 960 square feet to be located at 1251 South Beckman Road.

Community Development Director Bartlam stated that this is an appeal of the Planning Commission's decision on February 11. The appellant, Key Advertising, is proposing to construct a two-sided, 75-foot-tall (960 square feet in area) freeway identification sign on the existing Dodge/Kia car dealership property along Beckman Road at Highway 99. Each side of the sign has a 245 square foot area devoted to an electronic display. The Planning Commission denied both requests for a use permit and variance. The use permit for the

electronic display was denied on the grounds of size, location, and appearance. The Commission felt that an electronic display of this type was not consistent with the City's General Plan and, in particular, the aesthetic qualities of Lodi's major streets and entrances. Staff also pointed out other issues such as potential impacts to highway traffic, the City's inability to regulate content, and setting precedence for other electronic displays. The variance issue pertained to the size of the sign. The Lodi Zoning ordinance allows a maximum sign of 480 square feet and the request is double that area. Existing state law requires that when a variance is requested, the applicant or Commission must make the finding that there is something unique about the property presenting a hardship that other properties of similar size or location or zoning designation enjoy that this property would not. Mr. Bartlam stated that, in either case, the applicant did not propose any hardship. Staff was unable to find what is unique about this property that is not enjoyed by others. It has excellent visibility both from the freeway and adjacent roadways. Staff recommends that Council concur with the Planning Commission's decision and deny the appeal.

In response to questions posed by Mayor Pro Tempore Beckman, Mr. Bartlam stated that the applicant could place signs up to 75 feet high on each of the properties they own. The height of the sign is not at issue, it is the square footage of the sign on top of the pole. He acknowledged that at the Planning Commission meeting, Dale Gillespie, on behalf of Key Advertising, proposed a range of concessions.

Mayor Hansen read the following letter submitted by the Chamber of Commerce:

*April 21, Dear City Council: The Lodi Chamber of Commerce Board of Directors has considered the matter before you tonight in regard to Item G-1. The Chamber Board is in support of this 75-foot electronic display sign and asks you provide Key Advertising and Geweke auto group a variance for this sign. While the Board recognizes the sign's two sides combined are in excess of the allowable square footage limitation we believe the sign should be given a variance. Being a two-sided display and only seeing one side per viewing, each side is within the size limitation specification, therefore keeping the spirit of the 480 limit. Also the auto group is offering the community generous mitigation in the way of community service bulletins, joining the Amber Alert System, and proposing that this sign do the duty of several different dealerships, thus actually reducing the potential number of pylon signs. The Chamber Board asks you to support this appeal and grant the variance for Key Advertising's request.*

Council Member Howard pointed out that the Union 76 Gas Station sign at the corner of Beckman Road and Kettleman Lane is much taller than 75 feet.

Mr. Bartlam replied that a variance was approved by the Planning Commission in exchange for tabulating sign area.

Council Member Howard disclosed that she met with Dale Gillespie and a representative from Geweke prior to the meeting. She had requested they provided color photos showing what multiple signs on the properties would look like, versus one, which they have done.

In response to Council Member Hitchcock, Interim City Attorney Schwabauer stated that the City could enter into a development agreement with the developer that would run with the land.

Mr. Bartlam confirmed that a development agreement would be the appropriate vehicle to use (not a variance) if Council wished to allow consolidation of the signage, as has been suggested by Mr. Gillespie. The development agreement is a contract between the City Council and the applicant. The finding for hardship (necessary for a variance) is not relative to the electronic sign; it is relative to the size of the sign. The use permit relates to the electronic sign and whether it is consistent with the City's General Plan, Zoning Ordinance, and the betterment of the community.

Hearing Opened to the Public

- Dale Gillespie proposed that the variance and use permit be approved including a condition that a development agreement be drafted and brought back to Council at a future date that would restrict all of the Geweke properties' ability to place any more pylon signs, in exchange for having the one large electronic sign. He pointed out that the hardship (required for the variance) is self imposed in this case, as Geweke has the ability to put numerous pylon signs on its properties as it develops. Geweke believes it is aesthetically more appealing to have one sign advertising the entire dealership group, than to have many separate signs. Geweke does wish to retain the right to place monument signs to identify each dealership from passing cars. If Council approved this request, he would negotiate with the Toyota Motor Company to eliminate the pylon sign on that property and incorporate its advertising on the electronic sign. In addition, if Council approves the land exchange under Item G-2, advertising for that property would also be incorporated onto the electronic sign. He reported that in 2003 over 55% of Geweke's auto sales came from outside the Lodi, Woodbridge, Lockeford, Acampo area. Geweke is offering to donate 10% of the time the sign is on to the Chamber of Commerce, Lodi Downtown Business Partnership, Winegrape Commission, Lodi Conference and Visitors Bureau, and the City of Lodi for community service type messages.

Mayor Hansen disclosed that he also met with Dale Gillespie prior to the meeting.

Mr. Bartlam stated that the Lodi Zoning Code does not allow this sign, or any sign adjacent to Highway 99, to advertise anything except goods and services sold on the property; however, with a development agreement it could be done.

Council Member Hitchcock commented that she was opposed to electronic signs in general, due to traffic safety issues.

- Michael Parker stated that the Priority One company owns "Billboards on Six Wheels," which are mobile 300 square foot electronic signs. They are used throughout the Los Angeles area when Council's will not allow permanent electronic signs.

Public Portion of Hearing Closed

MOTION:

Mayor Pro Tempore Beckman made a motion, Hansen second, to continue the subject public hearing to June 2, 2004, and directed staff to negotiate a development agreement for Council consideration.

DISCUSSION:

Mayor Hansen asked Mr. Bartlam to find out whether Manteca has encountered any problems with a similar sign that it has in its city and report back to Council.

Council Member Land disclosed that he spoke with Dale Gillespie earlier in the week.

Mr. Bartlam directed Council's attention to exhibit 3 in the staff report (filed). Item 1e states that the sign shall not display companies' products or services that are not sold on the site for which the permit is issued, which is in conflict with the consolidation issue. Item 2 suggests that they will abstain from installing other electronic displays on other properties in the City, which is being offered as part of the development agreement. He pointed out that Geweke is not including the Recreational Vehicle (RV) dealership sign in the consolidation offer.

Mayor Hansen stated that the development agreement should ensure that no additional signs would be installed, that it would be binding on future and existing landowners, and that it be the sign proposed of 480 square feet on each side. In addition he asked Mr. Bartlam to negotiate with Mr. Gillespie to obtain a concession on the RV dealership sign.

Mayor Pro Tempore Beckman recommended that Item 1e be removed, as it is inconsistent, and attempt to negotiate a development agreement including the remainder of the applicant's proposal.

Council Member Hitchcock approved of the small monument signs and to allow the separate RV sign.

VOTE:

The above vote carried by a unanimous vote.

RECESS

At 9:08 p.m., Mayor Hansen called for a recess, and the City Council meeting reconvened at 9:20 p.m.

G. PUBLIC HEARINGS (Continued)

- G-2 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hansen called for the public hearing to consider redesign concept for C-Basin (Pixley Park) and the exchange of properties with G-REM, Inc., to allow the relocation of C-Basin.

Public Works Director Prima reported that the City has owned a majority of the property now known as Pixley Park C-Basin (located east of Highway 99) since the early 1960s. Dale Gillespie of G-REM, Inc. Development, Construction, Management, representing the Geweke auto organization, would like to obtain the portion of the basin fronting Beckman Road at the corner of Vine Street. In exchange, the City would acquire the rear portion of the Toyota dealership property and additional property further south. The acreage of the "land swap" would be the same. The master plan prepared by Geweke has been brought before the Parks and Recreation Commission. Geweke has offered to do the excavation and grading for the City's property. The configuration of the site allows for four softball diamonds. Mr. Prima noted that the Tokay Model Airplane Radio Control Club has been using the Pixley Park area for many years and has asked the City to help them find another location. The White Slough property has been considered for their use, as well as County landfill sites.

In reply to Council Member Hitchcock, Mr. Prima stated that he did not have an appraisal done of the property. He noted, however, that there are major costs associated with making the property that the City is relinquishing, ready to develop. The basin will have to be filled, which will be a significant cost. In order to connect the new basin to the ditch along Beckman Road there needs to be an extension of a storm drain pipe that cuts across the north end of the property, which would substantially encumber it.

Community Development Director Bartlam added that another tangible benefit to the City is having a fully developable piece of property that can be part of the Geweke Auto Mall, which is a significant sales tax generator.



Hearing Opened to the Public

- Ken Knowles, representing the Tokay Model Airplane Radio Control Club, noted that it has been operating in Lodi for nearly 35 years and feels as though it is a part of the City's Parks and Recreation program. The Club has put sweat equity into Pixley Park by developing it and relocating on the site to accommodate increased development surrounding the area.

Mayor Hansen believed that the City owed it to the Club to find an alternate site and pledged his support in doing so. Council Member Hitchcock expressed agreement.

Mr. Prima stated that the area on the White Slough property that the Club thought would be an adequate site, was on the west side of Thornton Road at the far southeast corner of the City's property. He noted that there are some access issues that need to be resolved. If the City irrigates the property using secondary effluent there can be no public access. In the future there will be the ability to use tertiary water for irrigation, which does allow for public access.

City Manager Flynn reported that he met with representatives of the Club to ascertain its needs and discuss alternative sites. Staff has been working with representatives from the East Bay Municipal Utilities District and the County of San Joaquin regarding land they might have available for use by the Club.

Council Member Land commented that he serves on the County Parks and Recreation Commission. He stated that there is more than 100 acres of vacant land east of Highway 99 off of Liberty Road, which is planned to be a County park sometime in the future. He invited Mr. Knowles to attend a Commission meeting to inquire about this site for use by the Club.

- Dale Gillespie reported that preliminary estimates to complete all the improvements on the property were \$7 a foot. He noted that two years ago the land value of the property on which the Geweke Dodge Chrysler Jeep store is now located, appraised for \$5.50 a foot. In the proposed land exchange the City will get a fully rough graded park with the contours where the upland parking areas are, as well as rough graded fields and a larger, fully-graded basin. He estimated it would take three years to complete all of the improvements.

Public Portion of Hearing Closed

MOTION / VOTE:

Council Member Howard made a motion, Land second, to approve the redesign concept for C-Basin (Pixley Park) and the exchange of properties with GREM, Inc., to allow the relocation of C-Basin.

DISCUSSION:

Addressing the Tokay Model Airplane Radio Control Club members in the audience, Mayor Hansen promised that the City would do everything possible to find an alternate site for the Club. He directed Mr. Prima and Mr. Flynn to provide the Council with updates on the matter.

Mr. Prima noted that staff would return to Council with the final agreement between the City and G-REM for approval.

VOTE:

The above motion carried by a unanimous vote.

H. COMMUNICATIONS

H-1 On recommendation of the City's contract administrator and Human Resources staff, the City Council, on motion of Mayor Pro Tempore Beckman, Hitchcock second, unanimously rejected the following claims:

- a) NewFields Companies, LLC, date of loss 12/03 through 3/04
- b) Environmental Forensic Investigations, Inc., date of loss 7/03 through 2/04

H-2 Reports: Boards/Commissions/Task Forces/Committees – None

H-3 The following postings/appointments were made:

- a) The City Council, on motion of Council Member Land, Beckman second, unanimously made the following appointments to the East Side Improvement Committee:

East Side Improvement Committee

Joseph Spinelli	Term to expire March 1, 2007
Sunil Yadav	Term to expire March 1, 2007
Martin Makapagal	Term to expire March 1, 2007
Ernest Golladay	Term to expire March 1, 2005

- b) The City Council, on motion of Council Member Land, Beckman second, unanimously directed the City Clerk to post for the following vacancies on the East Side Improvement Committee and expiring terms on the Library Board of Trustees, Lodi Arts Commission, and Planning Commission:

East Side Improvement Committee

Mark Gisler	Term to expire March 1, 2005
Ruth Jimenez	Term to expire March 1, 2006

Library Board of Trustees

Millard Fore	Term to expire June 30, 2004
Thomas R. Goad, Sr.	Term to expire June 30, 2004

Lodi Arts Commission

Laura Heinitz	Term to expire July 1, 2004
Hugh Metcalf	Term to expire July 1, 2004

Planning Commission

Eduardo Aguirre	Term to expire June 30, 2004
Dennis White	Term to expire June 30, 2004

H-4 Miscellaneous

- a) City Clerk Blackston presented the cumulative Monthly Protocol Account Report through March 31, 2004.

I. REGULAR CALENDAR

I-1 "Updates from Mayor Larry Hansen regarding the following issues: status of recruitment process for new City Attorney; progress on Request for Proposals for special counsel to represent the City of Lodi in its Environmental Abatement Program litigation; and legal proceedings relative to the Environmental Abatement Program litigation"

Mayor Hansen reported that the filing date for the city attorney position closed on April 16. Ten individuals applied and five have been chosen for interviews before the Council. A meeting will be held with the Regional Water Quality Control Board tomorrow. It is anticipated that the Board will soon be issuing an order requiring the City to get more actively involved in the cleanup process.

MOTION/ VOTE:

There was no Council action necessary on this matter.

RECESS

At 10:11 p.m., Mayor Hansen called for a recess, and the City Council meeting reconvened at 10:17 p.m.

City Manager Flynn announced that his granddaughter was born tonight at 9:04 p.m. Her name is Audrey Shannon Flynn; she was 7 lbs, 13 oz, and 20 inches long.

I. REGULAR CALENDAR (Continued)

I-2 "Report regarding community-wide survey results"

Steve Childs of DataCycles distributed and reviewed statistical information from the citywide survey (filed). He stated that 300 pages of comments were submitted by over 2,000 Lodi citizens. The online advisory panel consists of 870 people who have agreed to be asked additional questions that Council or staff may pose in the future regarding issues that face the City. Several hundred people gave their addresses to volunteer for an offline advisory panel. There were two panels for the survey: 1) a random selection of registered voters and 2) the entire community notified via utility bills. Mr. Childs stated that Lodi is homogenous, i.e. there was no significant variance in the data based on age, zip code, presence of children, paper versus online responses, renters versus homeowners, or registered voters versus the utility bill panels. 74% of the respondents had no children in their household. One out of three respondents was over 65 years. 84% of the respondents owned their home, and 57% lived in Lodi for more than 20 years. Mr. Childs reported the following survey results:

Top Ten Services (listed in order of most important to least)

Police emergency response  
Narcotics trafficking  
Investigation of crimes against persons/identity theft  
Fire suppression services  
Greenbelt separator between Lodi and Stockton  
Well-maintained neighborhoods, parks, and sports facilities  
Street and sidewalk repair  
Youth and teen sports program, activities/classes  
Dial-A-Ride Service  
Roadway projects to reduce congestion

Lowest Scoring Services

Lodi Avenue railroad underpass  
Arts and cultural programs  
Parks and Recreation activity guide  
4<sup>th</sup> of July fireworks, Oooh Aaah Festival  
News Years Eve Kids' Night Out  
Community Center class schedule  
Cable TV broadcast of Council meetings  
Library open four hours on Sunday  
Utility bill inserts  
1250 AM highway advisory radio

#### Passion Index

Mr. Childs explained that after respondents ranked a section of services they were asked to select one service to make a comment about and give their opinions regarding whether or not funding for that service should be decreased, maintained, or increased. Below are the services chosen to comment on:

- 195 people chose utility bill inserts, with 90% in favor of decreasing the funding;
- 141 people chose paramedics on fire engines, with 70% in favor of decreasing the funding;
- 131 people chose the greenbelt separator, with 77% in favor of maintaining or increasing funding;
- 129 people chose the library Sunday hours, with 82% in favor of decreasing funding;
- 128 people chose the 4<sup>th</sup> of July Oooh Ahhh Festival, with 80% in favor of decreasing funding;
- 125 people chose Hutchins Street Square/Community Center, with 80% in favor of maintaining or increasing funding;
- 112 people chose Lodi Avenue railroad underpass, with 70% in favor of decreasing the funding;
- 104 people chose well-maintained neighborhood parks and sports facilities, with 80% in favor of maintaining or increasing funding;
- 98 people chose 1250 AM highway advisory radio, with nearly 100% in favor of decreasing funding;
- 91 people chose adult sports programs activities/classes, with 77% in favor of decreasing funding.

#### Support of Bond Measures to Fund Proposed Projects

(Note: Numbers shown are the average of 1 to 5)

Indoor Sports Complex – 1.9

Aquatics Center – 2.1

DeBenedetti Park – 2.0

Library Building Expansion – 2.4

New Animal Shelter – 3.1

Old Police Station remodel – 2.1

Police/Fire Training Facility – 2.7

Fire Station #2 Rebuild – 2.7

#### Support of Tax Increases

Transient Occupancy Tax – 65% ranked 4 and 5; 13% were neutral

Quarter Cent Sales Tax – 49% ranked 4 and 5; 14% were neutral

#### Miscellaneous Issues

Big-Box Retailers – 13% were neutral

Update Lodi Lake Master Plan received moderate support

Lodi Lake as Active Park – 55% ranked 4 and 5

Should City Fund Non-Profits – 46% answered probably or definitely

Online Utility Information – 39% said they would use it

Mayor Hansen and Council Member Hitchcock suggested that a more in-depth review of the survey results be provided at a future Shirtsleeve Session. Mr. Childs replied that his presence would not be necessary, as staff and Council have received the comprehensive reports.

PUBLIC COMMENTS:

- Michael Parker of Priority One Ambulance reiterated that 70% of the people stated they were in favor of decreasing funding for paramedics on fire engines, which he felt was indicative of their satisfaction with the current service provided by private agencies.
- Kyle Suess referenced Exhibit C, page 2, and noted that 72% of the respondents had no children in the household and 65% were over age 50. He believed this to be the reason the Indoor Sports Center project did not receive a higher ranking.

Mr. Childs reported that no one under age 18 was represented in the survey.

MOTION / VOTE:

There was no Council action taken on this matter.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Mayor Pro Tempore Beckman, Hitchcock second, unanimously voted to continue the meeting following the 11:00 p.m. hour, but to consider Items I-3, I-5, and I-6 only. The remainder of the items will be continued to the Regular City Council meeting of May 5, 2004.

I. REGULAR CALENDAR (Continued)

- I-3 "Adopt resolution approving technical services task order agreement with Treadwell & Rollo, Inc., authorize the City Manager to execute task orders, and appropriate funds (\$100,000)"

Public Works Director Prima requested that Council authorize the City Manager to execute a technical services agreement with the firm of Treadwell & Rollo to undertake technical work on the Environmental (PCE/TCE) Abatement Program. There are two task orders in the agreement: 1) \$25,000 to review the technical data that has been produced to date; and 2) \$15,000 for contingencies due to the short notice that meetings are scheduled. It is requested that the total appropriation be \$100,000 so that as other task orders come up that need to be developed and done quickly there will be funds to accomplish it.

Mayor Hansen acknowledged that he was the only Council Member that participated in the panel who reviewed the firm. Other panel members included Interim City Attorney Schwabauer, City Engineer Wally Sandelin, Senior Engineer Charlie Swimley, and Dan O'Hanlon of the firm Kronick Moskovitz Tiedemann & Girard.

MOTION / VOTE:

The City Council, on motion of Mayor Hansen, Beckman second, unanimously adopted Resolution No. 2004-74 approving technical services task order agreement with Treadwell & Rollo, Inc., authorizing the City Manager to execute task orders, and appropriating funds in the amount of \$100,000.

- I-4 "Adopt resolution approving the job specification and salary range for the position of Fire Administrative Captain and provide authorization to fill the position" was ***pulled from the agenda pursuant to staff's request.***
- I-5 "Adopt resolution approving the renewal of the renegotiated Fire Emergency Services Dispatch Agreement with the Stockton Fire Department"

Fire Chief Pretz reported that a new contract was negotiated in order for the Stockton Fire Department to recover the full cost of its services. The increase in price will be phased in over a three-year period. The increase in the first year would be \$41,000. The per call fee

increased from \$10 to \$25. He estimated the cost of going back to the Lodi Police Department for dispatching services would cost \$335,000 a year. To provide dispatching services for the Lodi Fire Department and surrounding fire districts the cost would be over \$600,000 a year.

Police Captain Manetti reported that the Lodi Police Department has 16 dispatchers, with a minimum staff of three at all times. Four shifts are scheduled, with 12 hour days, and a two day off sequence. He stated that a dedicated dispatcher would be needed if the Department were to go back to dispatching for Fire and Emergency Medical Services.

PUBLIC COMMENTS:

- Michael Parker, President/Chief Operations Officer and paramedic for Priority One Medical Transport, provided Council with statistical and financial information (filed) related to ambulance dispatch. He reviewed response time for calls out of Lodi that were responded to last week. He emphasized that one call took 8.50 minutes from the time the Lodi Police Department sent the call to the Stockton Dispatch Center, who screened and dispatched it, and for the Lodi Fire Department to respond to the call. He contended that too much time is tied up in the dispatch process. He stated that calls through the Priority One dispatching system in southern California are dispatched within 30 seconds. He stated that last year Chief Pretz reported that the Lodi Fire Department had 4,316 calls, which based on \$19.55 for 2004-05 amounts to \$84,377.80. Next year with the same call volume it will cost \$112,474. He stated that Lodi pays \$21,580 in radio frequency usage for Fire Orange, which is a frequency maintained by a users group that operates in the county. Lodi currently has a fire frequency that is licensed by the FCC that is capable of covering the City. A T-1 cost from the Stockton Fire Department to the Lodi Fire Department is not being used; however, Lodi is charged \$9,600 a year for it. It is estimated that Lodi's EMS responses will increase 6% over the next year, which will increase costs \$89,441 for the first year. He alleged that the Stockton Fire Department is charging Lodi and other agencies in the county \$342,000 a year to cover the cost of the 38 calls a day it responds to for the City of Stockton. He noted that the Lodi Police Department has a CAD system with all of the modules to commence dispatch of Police, Fire, and EMS and stated that for a minimal cost the City could also have a "rip and run" system, which would further decrease response times. An additional Fire and EMS channel could be converted in the radio communications system at minimal cost. He asserted that Stockton Fire Department dispatchers are not nationally accredited. In addition he stated that Stockton Fire Department is not state-of-the-art, it lacks intelligent 911 work stations, and the base rate is just an estimate of the fee that will be charged. He reported that Stockton is currently involved in a labor dispute with dispatchers who work 56-hour shifts. He believed that having a multiple agency dispatch center in Lodi would decrease the amount of time it currently takes to transfer and dispatch calls from the Stockton Fire Dispatch Center. He warned Council that if they agree to the contract, rates will continue to increase.
- Dave Hafey, EMS Division Chief of the Stockton Fire Department, invited Council to come to the Stockton Dispatch Center to evaluate the quality of service. He objected to the allegations made by Mr. Parker. The Center receives 107,000 dispatches a year and has never missed one. It uses a state-of-the-art system and all 22 providers (except Priority One) have agreed to the billing methodology.

MOTION:

Council Member Land made a motion, Beckman second, to adopt Resolution No. 2004-75 approving the renewal of the renegotiated Fire Emergency Services Dispatch Agreement with the Stockton Fire Department.

DISCUSSION:

Council Member Howard disclosed that she spoke with Mr. Parker yesterday. She asked questions of Fire Chief Pretz this morning and was comfortable with his responses and recommendation.

Mayor Pro Tempore Beckman and Council Member Hitchcock asked Chief Pretz to monitor the rates and level of service.

VOTE:

The above motion carried by a unanimous vote.

- I-6 "Adopt resolution approving the Joint Venture Agreement between the City of Lodi, City of Stockton, American Medical Response, and A-1 Ambulance"

Fire Chief Pretz recalled that in 2002 Council directed the Fire Department to develop a paramedic program and to pursue a joint venture agreement with a private provider. In January 2004 he briefed Council on the County's EMS plans. Staff was directed to continue discussions with American Medical Response and Stockton Fire Department. Presented for Council consideration tonight is the joint venture agreement between Stockton and Lodi. He noted that the City of Tracy has not joined at this time, though it agrees in principle. The parties to the agreement will jointly submit a response to the San Joaquin County Request for Proposal (RFP) for the award of exclusive rights to emergency and non-emergency ambulance transportation. He stated that the process may take 12 to 18 months.

Council Member Howard disclosed that she spoke with Michael Parker of Priority One about this matter as well and received responses from Chief Pretz.

PUBLIC COMMENTS:

- Michael Parker of Priority One believed it was premature for the City to engage in a Joint Venture Agreement for an RFP that has not been written and is not expected to be prepared for 15 months. He also warned that the agreement will commit the City to five years with the Stockton Dispatch Center.

Chief Pretz replied that the agreement with Stockton Dispatch has a one-year cancellation policy, which overrides the joint venture agreement.

Council Member Hitchcock asked Chief Pretz to ensure the City is not locked into something unintentionally.

Mayor Hansen questioned Mr. Parker's credibility and objected to him expressing his opinions as fact. He pointed out that of all the agencies involved in this matter, Priority One is the only one who has come forward with opposition.

MOTION / VOTE:

The City Council, on motion of Council Member Land, Beckman second, unanimously adopted Resolution No. 2004-76 approving the Joint Venture Agreement between the City of Lodi, City of Stockton, American Medical Response, and A-1 Ambulance.

- E-4 "Approve plans and specifications and authorize advertisement for bids for installation of streetlights on Phase IV of the Streetlight Completion Project and authorize the transfer of funds for the project (\$980,000)" was ***continued to the regular meeting of May 5, due to the above vote.***

- E-7 "Adopt resolution approving specifications and authorizing advertisement for bids for compressed natural gas street sweeper for the Street Division and authorizing the City Manager to accept or reject bids, award the contract, and appropriate funds (\$200,000)" was **continued to the regular meeting of May 5, due to the above vote.**
- E-12 "Adopt resolution approving traffic safety improvements for Stockton Street from 300 feet south of Almond Drive to Kettleman Lane and appropriate funds (\$8,000)" was **continued to the regular meeting of May 5, due to the above vote.**
- E-18 "Adopt resolution approving City participation in the Ham Lane fence construction (Cardinal Street to 1,100 feet south of Cardinal Street) and appropriating funds (\$1,000)" was **continued to the regular meeting of May 5, due to the above vote.**
- E-21 "Adopt resolution authorizing the City Manager to execute electric utility rate contracts for three commercial/industrial customers—Kubota Tractor Corporation, Larry Methvin Installation, and Lodi Memorial Hospital" was **continued to the regular meeting of May 5, due to the above vote.**

J. ORDINANCES

None.

K. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Howard noted that today was Administrative Professionals Day and she extended her thanks to all those in the City that work in that capacity.
- Council Member Hitchcock commended City Clerk Blackston for the assistance she provides to Council. She expressed surprise in having read a quote from City Manager Flynn in the Lodi News-Sentinel today that the City will be placing a quarter cent sales tax increase on the ballot. She asked Mr. Flynn to inform Council first of such issues and his plans.

Mr. Flynn replied that at yesterday's Shirtsleeve Session, at which Ms. Hitchcock was absent, discussion took place about other cities bringing forward tax measures this year and he commented that staff might bring to Council a similar recommendation.

- Council Member Land thanked Heartland Community Church for donating all of its Easter services donations (\$12,600) to Lodi House, a homeless shelter for women and children.
- Mayor Hansen requested that the issue of placing a moratorium on large retail establishments be placed on the next City Council agenda. He also commended Ms. Blackston for her assistance throughout the year. He announced that a ground breaking ceremony was recently held for the Salvation Army's new homeless shelter.

L. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

None.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 1:03 a.m., Thursday, April 22, 2004.

ATTEST:

Susan J. Blackston  
City Clerk



**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, APRIL 27, 2004**

**A. CALL TO ORDER / ROLL CALL**

The Special City Council meeting of April 27, 2004, was called to order by Mayor Hansen at 7:02 p.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land (arrived at 8:20 p.m.), and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

**B. PUBLIC HEARINGS**

B-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hansen called for the public hearing to consider adopting resolution adjusting water, sewer, and refuse rates and charges.

Public Works Director Prima reported that the City has a franchise agreement with Central Valley Waste Services (CVWS) that was approved by Council in 2002 and runs through 2010. In the first two years there is a built-in 1.5% increase, beyond which the agreement calls for an increase of 80% of the Consumer Price Index (CPI). The increases are scheduled for April; however, because of the issues with water and wastewater, CVWS was asked to delay it to this meeting. Mr. Prima noted that the CVWS contract provides for additional changes in the rates due to extraordinary expenses. CVWS is required to use the north county landfill on east Harney Lane, which increased its rates in January from \$24.41 to \$27 a ton. These rate increases are shown in Exhibit C of the staff report (filed). The CPI increase amounts to 1.5% and the landfill increase is 1.2% resulting in a 52 cent per month increase for residential carts effective May 2004.

Mr. Prima recalled that the Water Utility last increased its rates in 2002 specifically for embarking on a major infrastructure replacement program. The increase amounted to \$7 a month for a three-bedroom home. An increase is now needed to cover the Woodbridge Irrigation District (WID) water purchase, which was approved by Council last year at a cost of \$1.2 million annually for 40 years. In addition, \$800,000 a year has been built into the rate increase to cover the ongoing Environmental (PCE/TCE) Abatement Program (EAP) litigation. The rate increase is shown on Table A, which amounts to \$6.81 a month for a three-bedroom home effective May 2004.

In answer to Mayor Hansen, Mr. Prima reported that groundwater overdraft in the Lodi area has been going on for over a hundred years. Lodi's water system is entirely supplied by groundwater.

Mr. Prima acknowledged that many complaints were received from the public about the City's policy of basing rates by the number of bedrooms, which does not allow customers to benefit from conservation efforts. He reported that there have been a number of State bills that have inched toward mandating water meters in California. He estimated that it would take more than ten years to install water meters in the entire City and he discussed the feasibility of doing so.

Council Member Hitchcock advocated water meters; however, she noted that for the past ten years new home owners have paid for water meters and she did not believe the City should pay for those who have not.

Council Member Howard believed that water meters were the best solution for the equity issue that many citizens have raised about the City's billing practices.

Mr. Prima believed there would be a way to shift to water meters without impacting water rates.

Mayor Pro Tempore Beckman asked Mr. Prima to bring back options for Council to consider related to transitioning to water meters.

Mr. Prima continued his report and noted that the proposed rate increases do not include facilities to utilize the WID water or past expenses related to the EAP litigation.

Mayor Hansen acknowledged that the former EAP strategy failed. An order has been issued by the State to require the City of Lodi and currently identified Potentially Responsible Parties in the central plume area to develop a work plan for cleaning up the groundwater contamination. The Council is trying to minimize the impact as much as possible to the community. The City has the responsibility as the water purveyor to make sure that the water is safe to drink. The monitoring process will extend for the next three decades or more because the soil contamination in Lodi is one of the worst that the State regulatory agencies have ever seen.

Mr. Prima reported that wastewater rates increased a couple of years ago in the amount of \$7.33 a month for a three-bedroom home, for the purpose of funding an infrastructure replacement program. The proposed wastewater rate increase is solely going toward State mandated improvements of the White Slough Water Pollution Control Facility. The project will be financed through Certificates of Participation (COP). The rate increase will cover the debt service for the COP, as well as the operation and maintenance costs associated with the new upgraded facility. The wastewater rate increases are shown on Table B. Rates for a three-bedroom home will increase \$9.11 a month. Mr. Prima recalled that consultants were hired in 1999 to assist staff in planning for regulatory compliance and a series of public advisory and Council meetings were held to review the planning process. The City obtained a permit in February 2000, which required tertiary filters and the Title 22 standard that the City must meet for the water that it will be discharging. Later in 2000, the state adopted an implementation plan, which sets background for future permits. In 2003, a pilot study was done on cloth media filters, which staff is now recommending for the project. The project was broken into phases to help with cash flow and rate impacts. Phase 1 aeration improvements are nearing completion. Phase 2 will include installing filters, changing to ultra violet light disinfection, and eliminating the old chlorine system. The State's goal is to improve the water quality in the Delta, as it is a major source of drinking water. Negotiations for the next permit will begin in 2005.

In reply to Council Member Howard, Mr. Prima confirmed that the City will be receiving \$385,000 from the Environmental Protection Agency.

Mayor Pro Tempore Beckman noted that the City of Manteca is one permit level ahead of Lodi. It has been determined that the cleanest spot on the river is where Manteca discharges its effluent. Currently Manteca's sewer rate is \$23.48, which is projected to increase to \$130 a month in order to meet requirements of the Regional Water Quality Control Board. He suggested that Lodi join with Manteca and protest the regulations.

Mayor Hansen replied that some cities have gone through court proceedings to fight the State's mandates and it resulted in even further increases in costs. He recommended that Lodi follow the State's guidelines and avoid the \$10,000 a day penalty that would result in failing to do so.

Mr. Prima continued his report, noting that the infrastructure program will stay in place. Council previously directed that transfers to the General Fund be reduced so that all of the increased revenue from the rate increases will go to the utilities. The proposed rate resolution includes a provision to do an annual update in an effort to keep up with the cost of inflation. Presently the City offers a 10% discount on water, sewer, and refuse for qualifying low-income customers. He recommended that the same qualifying criteria be used for all of the City's discount programs and that the discount percentage be adopted separately by resolution. He outlined all the City's low-income discount programs and reviewed rates charged by other cities in the area.

In reply to Council Member Hitchcock, Mr. Prima pointed out that in Section 3 on the resolution "blue sheet" (filed) establishing rates; it states that they "may" be adjusted periodically. In the wastewater revenue model, an annual increase of 3% was assumed.

NOTE: Council Member Land arrived at 8:20 p.m.

Mayor Hansen commented that he was very much in favor of having discounts for senior citizens and low-income members of the community.

Council Member Hitchcock pointed out that the City's policy of charging by number of bedrooms does not allow citizens the ability to conserve water and save on their bills, and for this reason, it is important to offer a discount program.

Council Member Land asked if utility customers can qualify for a lower rate if they have converted a bedroom to some other use or remodeled two bedrooms into one. Mr. Prima replied in the affirmative and noted that, in these circumstances, residents can call Public Works and they will send a staff member to inspect the home and adjust the rate accordingly.

#### Hearing Opened to the Public

- Fred Bunnell, Jr. was opposed to the rate increases. He suggested that the City charge by occupancy instead of number of bedrooms. He believed that water meters would be a more equitable system.
- Donald Walters stated that he lives in a four-bedroom home; however, one is used for a sewing room, one for storage, and the third only for out-of-town guests. He believed the current system of charging by number of bedrooms was unfair.
- Bill Crow expressed opposition to the high amount of rate increases and felt that they should have been increased in small percentages annually.
- Lee Elwood reviewed his past utility bills and opposed the rate increases. He found the line item breakdowns on the bills confusing to interpret. He blamed the City Council, past and present, for getting the City into a bad situation, which resulted in higher rates for its citizens. In addition, he complained that the City Manager has been allowing water funds to be used for other purposes.
- Eunice Friederich believed that the proposed rates were excessive and that residents with swimming pools should be imposed a higher rate. She also favored charging by occupancy instead of number of bedrooms. She reviewed her past utility bills and noted that she owns two homes and one is unoccupied. The Finance Department has informed her that water and wastewater must remain connected even if a home is vacant. She asked Council to change the policy and allow people to discontinue water and wastewater service while on vacation. She suggested that customers sign a statement regarding how many people are occupying a home and charge rates accordingly.

Maxine Cadwallader, Revenue Manager, confirmed that the vacation policy does not allow for disconnection of water and wastewater services. There is a provision for ceasing refuse pick up during vacations. She noted, however, that if a home is vacant it can be put on inactive status with all the utilities disconnected.

- Viola Borth believed the policy of charging per number of bedrooms was unfair and recommended that it be based according to occupancy.
- Robert Emmer reviewed his past utility bills since 1998. He found the increased rates disconcerting in light of recent actions related to the groundwater contamination lawsuit. He objected to attorney fees and City transit charges being deducted from utility funds. He asked Council to adopt a policy separating ratepayer fees (to be used only for providing utilities), and general taxes (to be used for City services), and eliminate commingling of these funds. He asked how long citizens would be paying for the infrastructure replacement program and suggested that developers and new residents should be paying more for these costs.

Mr. Prima stated that the infrastructure replacement program is a "pay as you go," ongoing program. He explained that state law prohibits charging development fees to correct existing deficiencies.

Mayor Pro Tempore Beckman pointed out that increases related to the WID water purchase, remediation of EAP litigation, and upgrades to the White Slough facility are all finite expenses that can be budgeted out. He recalled specifically requesting that an end date to the fees be placed on the utility bills and stated that without that assurance he would not support them.

Public Portion of Hearing Closed

Council Member Land reported that Council received many written protests with comments and he read each of them. He read a protest letter from Thelma Fisher, who had pointed out that a three-bedroom house is 97 cents per bedroom higher than a seven-bedroom house. Mr. Land felt that the rate should be the same for all bedrooms.

Mr. Prima commented that a large portion of water usage in a home is expended outdoors on landscaping.

RECESS

At 9:40 p.m., Mayor Hansen called for a recess, and the City Council meeting reconvened at 9:50 p.m.

B. PUBLIC HEARING (Continued)

B-1 City Clerk Blackston reported that the total number of properties on which the rates and (Cont'd.) charges are imposed as shown on the last equalized assessment roll of San Joaquin County at the time the public notices were mailed, was 18,387. Proposition 218 "The Right to Vote on Taxes Act," included the addition of Article 13D, Section 6, subsection 2, of the California Constitution, which states in part: "If written protests against the proposed fee or charge are presented by a majority of owners of the identified parcels, the agency shall not impose the fee or charge." A majority in this case would be 9,194. She reported that City Clerk staff personally received and assembled all written protests returned by mail or delivered in person and certified the results of the tabulation of written protests to be 734.

Mayor Pro Tempore Beckman felt it was important that all ratepayers know how much the average person would have to pay each month in order to account for the lower rates charged to economically-challenged citizens. He pointed out that it is not possible to give discounts to certain citizens without it affecting the remaining ratepayers. He believed that taking more money from one group of citizens in order to charge another group less, is committing an act of government charity. Further he stated that taking someone's money through taxes, fees, and rates in order to give to the poor is government extortion. He contended that having a two-tiered rate system is wrong. He offered citizens who are unable to get assistance through local charities to call him. He believed that when recipients of charity receive money from the government, a sense of entitlement is created. In conclusion he expressed his opinion that government subsidy is part of the problem, not part of the solution. He had faith in community members to take care of the needy.

Mayor Hansen responded that he saw the discount program as an attempt by government to lessen the impact of the hardship that government created. He noted that a large percentage of the Lodi population is comprised of senior citizens on fixed incomes. He cautioned that increasing the cost of government services could push some of these individuals onto the street.

Council Member Hitchcock felt that a discount program based on income was a good idea because the water and wastewater utilities are not a service that can be opted out of, nor can reduction in use decrease ratepayers' bills. She agreed that it was important to include an end date to the rate increases so that ratepayers can ascertain what they are paying for and when it will conclude.

Council Member Howard also agreed that bills should include a description and itemization of each of the charges.

In reference to Mr. Beckman's earlier statements, Council Member Land stated that there is a difference between subsidy and entitlement, the latter of which he did not support. He preferred that there be periods of subsidy/rate reductions for people in need; however, the program should include a re-qualification process. Mr. Land recalled when Council was considering adjustments to operating costs in the General Fund he had asked that the Enterprise Funds be reviewed for possible reductions. He asked whether it had been done.

City Manager Flynn replied that recommendations for budget reductions will be presented to Council at its meeting on May 19 and it will include Enterprise Funds.

Mr. Prima commented that Public Works has been carrying vacancies in Water and Wastewater Divisions for some time. In reference to itemizing charges on utility bills, he suggested that Council give specific direction and allow staff to return with recommendations for accomplishing it. He noted that part of the costs go toward operations and maintenance, which are ongoing. Determining an ending date for COPs would be difficult because, although this financing will be for a 20-year period, another COP will be issued later, and refinancing of an older COP will likely occur.

In response to Council Member Hitchcock, Mr. Prima explained that the language in Section 3 of the resolution merely shows an intention to consider rates annually. An increase would come before Council for approval.

Mayor Hansen and Council Member Hitchcock recommended that language in Section 3 of the resolution be amended as follows: "The rates shown in Exhibits A, B, & C may be adjusted periodically by resolution **with Council approval following a public hearing...**"

MOTION:

Mayor Hansen made a motion, Howard second, to adopt Resolution No. 2004-77 adjusting the water, sewer, and refuse rate schedules and adding to the resolution (under Section 3) language that subsequent adjustments will be by Council approval following a public hearing.

DISCUSSION:

Mayor Pro Tempore Beckman asked whether the discount percentages (as shown on Tables A, B, & C) were being adopted at this time, to which Mr. Prima replied that they were not. Mr. Prima acknowledged, however, that a discount program amounting to \$50,000 a year was factored into the rates. Mr. Beckman stated that he would not support the resolution because the rate structure was too high, due to the built-in discount program.

Discussion ensued regarding termination dates for the increased rates related to the WID water purchase and the PCE/TCE remediation. It was agreed to add a new section to the resolution as follows: "Termination/Sunset Rate – The portion of attached rates representing an increase from immediately proceeding rates related to the 1) water purchase contract shall sunset in 2044, 2) rates related to the White Slough Water Pollution Control Facility improvements shall sunset in 2044, and 3) the rates associated with the Environmental Abatement (PCE/TCE) Program shall sunset in 2014."

MOTION AMENDED / VOTE:

The motion was amended to read, "Adopt Resolution No. 2004-77 adjusting the water, sewer, and refuse rate schedules and adding to the resolution 1) (under Section 3) language that subsequent adjustments will be by Council approval following a public hearing and 2) a new section (Section 4) for termination/sunset rate." The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Howard, Land, and Mayor Hansen

Noes: Council Members – Beckman

Absent: Council Members – None

C. REGULAR CALENDAR

- C-1 "Adopt resolution approving forms of an Installment Purchase Contract, a Certificate Purchase Contract, Official Statement, and a Continuing Disclosure Agreement relating to Wastewater System Revenue Certificates of Participation, 2004 Series A; and approving and authorizing certain other matters relating thereto"

With the aid of an overhead presentation (filed), Alex Burnett, representing Public Financial Management, recalled that this subject was reviewed at the March 30 Shirtsleeve Session. The proposal is for 20-year, fixed-rate bonds that would be serialized. The proceeds would be \$25 million. It is a traditional Certificate of Participation (COP) structure, i.e. lease financing. There are legal covenants that govern how many bonds can be issued, which is impacted by the interest rate. If rates increase, the proceeds may be adjusted down incrementally. The revenue bond index is at 5.20%, and the City will be borrowing at approximately 4.70%. With the erosion in rates, the aggregate debt service, which excludes the 2006 financing, is closer to \$3.3 million dollars and resulted in a loss of \$100,000 to \$200,000 in annual debt service. Net revenues of the Enterprise are considerably above debt service requirements. There is some capacity to add in the 2006 debt service, which is being contemplated in association with Phase 3. Consideration is being made regarding whether it is more advantageous to fund the debt service reserve fund (one year of debt service) out of bond proceeds or to purchase a surety bond. There could be an advantage to cash funding the reserve fund. Because project funds will be invested "very short" there will be significant cost of carry on the money. Earnings will be roughly 1.50% and borrowing will be at 4.50%. The way the loss can be recouped is by investing the reserve fund at a yield higher than 4.60%. Currently there would be a \$275,000 advantage by cash funding the reserve fund, i.e. setting aside a certain amount of the bond proceeds for purposes of funding the reserve requirement. Bids will be received on May 4 for the cost of the surety. The additional bonds test are legal covenants that govern the ability to issue obligations. Under the 1991 document provisions it must be proven that there are net revenues sufficient to one times the maximum annual obligation over the period. The adjusted net revenues are 1.01x. Under the 1991 provisions, the City is specifically excluded from including capacity or connection fees as revenues for purposes of calculating the additional bonds test. The documents do provide for the adjustment of the rate increase. The capital reserve is equal to roughly half of the ten-year average annual "pay as you go" funding. The operating reserve is targeting 15% of operating expenses. A meeting has been held with the rating agencies and a visit was made to the site. It is anticipated to price the bonds on May 12, which would allow closing on May 26.

In response to Council Member Hitchcock, Mr. Burnett reported that public disclosure information was provided to the rating agencies regarding the PCE/TCE and Lehman Brothers matters. They have not ascribed any negative credit consequences regarding it.

MOTION:

Mayor Hansen made a motion, Beckman second, to adopt Resolution No. 2004-78 approving forms of an Installment Purchase Contract, a Certificate Purchase Contract, Official Statement, and a Continuing Disclosure Agreement relating to Wastewater System Revenue Certificates of Participation, 2004 Series A; and approving and authorizing certain other matters relating thereto.

DISCUSSION:

Interim City Attorney Schwabauer noted that by approving this, Council is also approving certain other related matters thereto including administrative costs for issuing the financing, legal costs, Mr. Burnett's contract, etc.

VOTE:

The above motion carried by a unanimous vote.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Mayor Hansen, Hitchcock second, unanimously voted to continue with the remainder of the meeting following the 11:00 p.m. hour.

C. REGULAR CALENDAR (Continued)

- C-2 "Adopt resolution awarding the construction, testing and inspection, and construction administration contracts for White Slough Water Pollution Control Facility Year 2004 Improvements and appropriate Funds (\$10,108,000)"

Public Works Director Prima reported that plans and specifications for this project were approved on March 3. The bid opening for the construction contract was conducted on April 15. The apparent low bidder requested that his bid be withdrawn due to a significant mathematical error. Seven proposals were received on April 9 for the testing and inspection contract.

MOTION/ VOTE:

The City Council, on motion of Mayor Hansen, Beckman second, unanimously adopted Resolution No. 2004-79 awarding the construction contract for the White Slough Water Pollution Control Facility Year 2004 Improvements to Kirkwood-Bly, Inc., of Santa Rosa, and the testing and inspection contract to Krazen & Associates, of Modesto; authorizing the City Manager to contract with West Yost & Associates for construction administration services; and further appropriated funds in the amount of \$10,108,000 from the Wastewater Fund with the 2004 Certificates of Participation.

- C-3 "Approve additional Maintenance Worker position at White Slough Water Pollution Control Facility"

Public Works Director Prima reported that major amounts of equipment are being added to the White Slough facility. It is believed that no additional operations staff will be needed; however, one additional Maintenance Worker position is necessary. The cost has been included in the revenue program and in the rates that have been approved. It is hoped to have the position filled before installation of the equipment is completed. The equipment is expected to arrive in June.

Council Members Land and Hitchcock preferred to consider this request with the 2004-05 budget in June.

MOTION/ VOTE:

The City Council, on motion of Mayor Pro Tempore Beckman, Howard second, unanimously approved an additional Maintenance Worker position at White Slough Water Pollution Control Facility.

- C-4 "Adopt urgency ordinance repealing and reenacting Lodi Municipal Code §13.04.130 establishing low-income discounts for water, sewer, and refuse services, and adopt resolution establishing discounts"

Public Works Director Prima explained that this item is being brought forward as an urgency ordinance because the increased rates will be effective in May. Under the normal process it would take a month before an ordinance would be effective and if the discount program began at a later date it could result in having to issue refunds. He suggested that if Council concurs with the notion of having the same eligibility criteria for all discount programs, the ordinance could be adopted tonight with the discount percentages brought back at a later date in a resolution. He recommended a discount of 30% on solid waste, 20% each on water and wastewater, and the senior fixed-income program at 5%.

Council Member Howard was not in support of making the eligibility greater or increasing the amount of discounts from the programs currently in place. She agreed with comments expressed earlier by Mr. Beckman and believed that assistance to the needy can be provided through volunteerism and other private service organizations.

Council Member Land recalled that it was previously recommended to model all the discount programs after Electric Utility's Single Household Alternative Rate for Energy (SHARE) program, which provides a 20% discount. He preferred that recipients be required to re-qualify for the discount periodically by providing documentation such as their income tax returns. He was in favor of standardizing the eligibility requirements for all the City's discount programs.

At the request of Council Member Hitchcock, Rebecca Areida, Public Works Management Analyst I, reviewed current eligibility requirements for discount programs.

Interim City Attorney Schwabauer suggested that language in the ordinance be amended as follows: 13.04.130 Low Income Adjustments, "The rates for residential water, sewer and refuse collection service as they now exist or may hereafter be modified under this chapter, shall be reduced as established by **resolution for those residential accounts in the names of persons meeting the income or senior fixed-income eligibility requirements** for..."

In response to Council Member Hitchcock, Revenue Manager Cadwallader, explained that the Electric Utility's State/County Home Energy Assistance Program (HEAP) accepts any income level documentation for eligibility purposes, e.g. W-2 form or SSI confirmation from the Social Security Office.

Mayor Hansen asked Mr. Prima to research the matter further and return to Council with a discount program that is meaningful, includes standard eligibility requirements, and is easily administered.

Mr. Prima commented that the current discounts, including 10% for solid waste, will continue to apply until changed by a new resolution.

MOTION/ VOTE:

There was no action taken on this matter.



D. MEETING OF THE LODI PUBLIC IMPROVEMENT CORPORATION

At 12:00 a.m., Mayor Hansen adjourned the Special City Council meeting to a meeting of the Lodi Public Improvement Corporation. Following the call to order, Secretary Blackston recorded roll.

- D-1 "Adopt resolution approving forms of an Installment Purchase Contract and a Trust Agreement relating to Wastewater System Revenue Certificates of Participation, 2004 Series A; and approving and authorizing certain other matters relating thereto"

MOTION / VOTE:

The Corporation, on motion of Vice President Beckman, Hansen second, unanimously adopted Resolution No. LPIC2004-01 approving forms of an Installment Purchase Contract and a Trust Agreement relating to Wastewater System Revenue Certificates of Participation, 2004 Series A; and approving and authorizing certain other matters relating thereto.

There being no further business, the meeting was adjourned at 12:01 a.m.

Mayor Hansen reconvened the City Council meeting at 12:01 a.m.

E. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 12:01 a.m., Wednesday, April 28, 2004.

ATTEST:

Susan J. Blackston  
City Clerk

**CITY OF LODI  
 INFORMAL INFORMATIONAL MEETING  
 "SHIRTSLEEVE" SESSION  
 CARNEGIE FORUM, 305 WEST PINE STREET  
 TUESDAY, MAY 11, 2004**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, May 11, 2004, commencing at 7:51 a.m.

**A. ROLL CALL**

Present: Council Members – Beckman, Hitchcock, Howard, and Mayor Hansen

Absent: Council Members – Land

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and Deputy City Clerk Perrin

**B. CITY COUNCIL CALENDAR UPDATE**

Deputy City Clerk Perrin reviewed the weekly calendar (filed).

**C. TOPIC(S)**

C-1 "Presentation of a Negative Migration Project for the City of Lodi by William Jessup University student, Ted Van Alen"

Management Analyst II, Janet Hamilton, informed Council that in October Ted Van Alen, from William Jessup University, asked the City for assistance in completing his senior project. Mr. Van Alen's project was timely, especially now when the City is looking at priorities and growth in the general plan.

Ted Van Alen stated that his Bachelors of Science is in management and ethics, with a dual major in theology. Part of the degree includes a senior research project into a business or organization. He decided on this topic after receiving a survey on the City of Lodi, in which certain details in migration were delineated. In October, Percept Inc. performed a ministry area profile survey for the New Hope Community Church in Lodi that showed in Census 2000 to 2003 data the 20 to 35 age group experienced a 4% negative migration.

In exploring why this is occurring, he performed four different methods of research: a person-to-person survey of the 20 to 35 age group and research into the real estate, employment, and housing sectors. The survey included 12 questions, and he received approximately 100 responses from people within this age group. The first result was that 74% of those surveyed said they were satisfied with the City of Lodi, yet of the same 100, 64% said they were dissatisfied with what it had to offer. Some of the questions went into specific feelings behind that, and 59% said they would be willing to leave Lodi depending on the factors of their dissatisfaction, one of which was housing costs. Using the median of a three-bedroom, two-bath house within a five-mile radius and comparing the prices of used and new homes, the housing costs were roughly \$20,000 to \$100,000 more for the same housing builder, tract, and model of other areas. Lodi's Housing Element shows the average median income of that age group at over 60% of their income ratio, which is very difficult to bear considering the lifestyle this age group enjoys.

Mr. Van Alen also looked into employment by going onto monster.com, a Web site that lists employment opportunities for different areas. In comparing the Stockton and Lodi areas, Lodi listed only 6 professional employment opportunities; whereas, Stockton listed 107. The 20 to 35 age group in Lodi is 30% of the population, which breaks down to roughly 19,500; six professional employment opportunities would equate to 1,500 to 2,000 candidates per job opportunity.

City Manager Flynn relayed a comment that Mr. Van Alen made during his meeting with him last week, in which he said that Lodi is over churchd. This is not positive for a community, as the number of people who attend church becomes spread out over a large number of churches; thereby, making it more difficult for a congregation to be successful.

Mr. Van Alen stated that the Percept Inc. survey showed involvement of personal faith is on the decline. Lodi has an extremely high per capita to church ratio, higher than most cities. The more options one has, psychologically the less likely one is to make a choice.

Between 1990 and 2003, the actual growth rate for Lodi was .8%, which is well below the growth restriction rate of 2%. Lodi's Housing Element shows that San Joaquin County lists necessary growth as equal to revenue and needs to be higher than 2% a year.

In response to Mayor Hansen, Mr. Van Alen explained that overall those surveyed perceive the City as livable, loveable Lodi, but when asked specifically what they like, they listed dislikes. The 20 to 35 age group is concerned more with quality than quantity, and they become dissatisfied if they do not have extra-curricular activities in which to partake. They listed many different areas of dissatisfaction, some of which included employment, educational, and recreational opportunities. With regard to employment, most who have worked toward their degree must seek employment outside of the City. As such, migration can be seen to progress toward universities in surrounding areas, specifically Stanislaus and Sacramento. Lodi does not offer higher education opportunities other than vocational classes offered by Delta Community College at Tokay and Lodi High Schools.

Mr. Van Alen presented the following options:

- Option 1—lift the self-instituted growth restriction rate of 2%. He did not recommend open, unrestricted growth, but rather controlled growth, and gave the city of Pleasanton as an example. It controls growth to the city limits in a circular pattern, and the city has remained relatively appealing.

Mayor Hansen pointed out that a recent report from the San Joaquin Partnership showed that housing costs for the city of Pleasanton were the highest—higher than San Francisco, San Jose, and Oakland. The median cost of housing in Pleasanton was appalling with this controlled growth.

Mr. Van Alen replied that his view of controlled growth is not cost of housing, but rather mapping. If the growth restriction rate were lifted, a city can still limit the amount of housing and building permits in a controlled area, which does not necessarily have to be bound to 2%. The restriction also involves the annexation of property for building and sets forth a limit of annexation of agricultural property.

- Option 2—consider building a business park to bring in jobs for young professionals. There are many property opportunities off of Interstate 5 and Highway 12, and although it is county property, the City does have a relatively small amount of parcels in that area that would be prime property to build a business park.
- Option 3—develop a social event for local wineries and young professionals to gather and connect. He used the city of Cincinnati, Ohio, as an example, which saw a 6% reduction of the 20 to 35 age group. The city set up a social gathering for local business owners and young professionals, providing wine tasting and hors d'oeuvres, which allowed the business owners to socialize with their future employees or business leaders.

The first step is to focus on regaining the lost migration. Without growth, revenue in that area will decline. This age group will lead to the predominate voting populous. Presently, the 20 to 35 age group is not a strong voting group, but as they continue to age, they will increase their involvement in voting and maintain their views and opinions of the City. If the negative migration continues, their voice will shrink and the revenue they bring to the City will decrease as well.

Begin small with a social event since it does not require a large expense, yet it does allow the City to consider this age group and what they can do for the City. It also provides the prime industry of wineries and winegrape production an opportunity to advertise to that age group to improve their product sales and revenue.

Mayor Pro Tempore Beckman stated that Lodi already has wine-related activities, such as Vines to Wine and the Wine Street Stroll, and he was not clear on what the difference was between the events being done and what Mr. Van Alen was recommending.

Mr. Van Alen replied that the wine social events being done already are primarily for wine tasting; the social event he is recommending is for business leaders to be catered toward that specific age group. Many of the wine events offered now are not free, and for this age group, money is an issue. Reducing the cost would be a step in the right direction.

City Manager Flynn added that Mr. Van Alen is recommending that Lodi target events toward the 20 to 35 year olds to let them know they are important to this community.

Mayor Pro Tempore Beckman agreed that the cost of living is outrageous; however, he disagreed that the growth cap of 2% has been a prohibitive factor, considering Lodi has only been growing at .8%, which is not remotely close to the cap.

Mr. Van Alen replied that the cap includes annexing property for building, and if that cap remains, then so does the lack of land on which to build or expand. The growth restriction rate is more of a mental block than a physical block.

Mayor Hansen added that no one wants to build the high-density apartments or town houses, which impacts how many permits are issued. Mayor Hansen suggested another factor for negative migration is that many want something bigger than Lodi, whether it has all of those elements or not, especially those who grew up in Lodi.

Mr. Van Alen stated that of those surveyed 50% grew up in Lodi. He was not concerned with retaining what is here, but more with stimulating growth from the outside. If the City advertises itself as one that wants to grow and involve more of the 20 to 35 age group, it will stand out.

Council Member Hitchcock stated that the City's growth management ordinance requires contiguous land development to prevent the sprawl factor, which drives up the price. She believed that people in Lodi prefer the small-town feel, to which Mr. Van Alen responded that the overall feeling of this age group is that small towns can be constrictive.

In response to Mayor Hansen, Mr. Van Alen replied that the City's survey results were confusing to him because it ranked the highest to lowest and did not show how people viewed projects. It would have been easier to ask if they wanted a project or not and then list the totals. Less than 4% of those who responded were within the 20 to 35 age group.

Mayor Hansen stated that was his point—they were given an opportunity to have input and chose not to. In answer to Mayor Hansen, Mr. Van Alen stated that he did not know about the survey until after it was performed.

Mayor Hansen agreed that Lodi has programs to address the youth and elderly, but very little for this particular age group. He asked Mr. Van Alen to provide staff with his professor's name and address so that he may write a letter of commendation on behalf of the City.

In reply to Mayor Pro Tempore Beckman, Mr. Van Alen stated he would return to Council in the future should it entertain the idea of amending the growth restriction rate.

**D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None.

**E. ADJOURNMENT**

No action was taken by the City Council. The meeting was adjourned at 8:31 a.m.

ATTEST:  
Jennifer M. Perrin  
Deputy City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, MAY 11, 2004**

**A. CALL TO ORDER / ROLL CALL**

The Special City Council meeting of May 11, 2004, was called to order by Mayor Hansen at 7:00 a.m.

Present: Council Members – Beckman, Hitchcock, Howard, and Mayor Hansen

Absent: Council Members – Land

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and Deputy City Clerk Perrin

**CITY COUNCIL CALENDAR UPDATE**

Deputy City Clerk Perrin reviewed the weekly calendar (filed).

**B. REGULAR CALENDAR**

B-1 “Approve plans and specifications and authorize advertisement for bids for installation of streetlights on Phase IV of the streetlight completion project and authorize the transfer of funds for the project (\$980,000)”

City Manager Flynn reminded Council that at last week’s meeting a question was raised as to whether or not Electric Utility System Revenue Certificates of Participation (COPs) could be used for the streetlight completion project. Staff provided Council with COP documentation (filed), which specifically authorized it. The project phases were funded with COPs over four previous meetings and each time it was clearly disclosed. He recommended that Council approve this project as proposed by staff.

In response to Mayor Hansen regarding the public benefit program annual budget, Electric Utility Director Vallow stated that the current program year’s budget is \$750,000 to \$775,000. He explained that there is an annualized formula amount, mandated by the state, which is 2.85% of gross retail revenues (approximately \$1.1 million). The reason for the smaller amount is the City takes credit for certain Northern California Power Agency activities that fit under that program and because the program was overspent when it first began. At the end of this two-year budget cycle, it will be back on track with approximately \$1.1 million per year. The public benefit program is auditable by state agencies, and the City expends the funds in a good faith effort to meet the intent of the law.

In response to Mayor Hansen, Mr. Vallow replied that COPs, not public benefit program funds, have been used to pay for each phase of the streetlight completion project. Public benefit funds are used for energy efficiency retrofits, for which the streetlight completion project does not qualify. In the upcoming phase, there will be replacements of 60- to 70-year-old light standards; however, it is not in the context of energy efficiency; it is more for safety. The funding used to pay for the project is from the original 1999 COP dollars.

Mr. Vallow explained that there will be one more phase, Phase V, and most likely a “cleanup” Phase VI, which is on track with the three- to five-year construction schedule originally anticipated by staff. Presently, \$2.8 million has been spent on the project, and at the completion of all phases, the total expenditure will be approximately \$3.8 million, which is in line with the original estimate of \$3.5 to \$4 million.

Council Member Hitchcock questioned if the various streetlight projects have been paid out of different accounts or if it was all from the streetlight completion account.

Mr. Vallow responded that originally staff began with east side street and alleyway lighting, which was done before COP funds were available; payment came out of the operating fund. Subsequently, the City Council adopted a reimbursement resolution, which enabled staff to capture certain capital expenses from the COPs dating back to 1998. From that point forward, the funding source for the streetlight completion project has come from COPs.

Mr. Vallow explained that the Business Unit 161672 (streetlight completion project) account, as referenced in many of the Council Communications, does not have a funding balance; it is a location in which to notice various expenses. To use COP funds, staff must provide proof of payment to a contractor and authorization from Council to pay the invoice. When expenses occur they are recorded into the 161672 account, and on a quarterly basis, Finance will seek reimbursement from the COPs. Additionally, there are sub-capital accounts for purchases involving an assortment of projects, which allow staff to track labor, material, and inventory.

John Simler, Electrical Estimator, added that Electric Utility often does an advance buy-out of supplies for various projects, which may be installed by staff or a contractor.

Council Member Hitchcock expressed her confusion over the different account numbers used, in addition to the streetlight completion project account, the total for which calculates to approximately \$5 million. She questioned if it was all charged to the COPs.

Mr. Vallow explained that the COP is the total ultimate funding source for the project. \$5 million appears to be double the actual number, which would be correct; half represents the ultimate funding source, and the other equals the pieces of the project that were awarded. There are no physical dollars associated with a COP authorization from Council—nothing has been spent. All of the various aspects of the project should add up to the amount being requested from the COPs. If the amount needed is more, staff returns to Council for authorization.

In response to Council Member Hitchcock, Mr. Vallow further explained that the purchase of luminaires and standards, for example, are ultimately charged to the COP. If Council approves \$980,000 of COP funding, Council would see other agenda items adding up to that figure.

City Manager Flynn pointed out that previous Council Communications clearly state that the funding is the Electric System Revenue COPs. When Council accepts improvements, staff returns with the same account.

Council Member Hitchcock reiterated that the various account numbers total \$5 million; however, the four COP authorizations total \$2.967 million.

City Manager Flynn explained that staff will typically request that Council approve plans and specifications, award a contract, and accept the improvements for a project, which represents a double accounting of the number under the same funding source.

Referencing the streetlight completion project timeline (filed), Mr. Vallow explained that Phase I began in 2000, which included awarding the contract for installation and acceptance of the improvements. In between, there were purchases of material, engineering charges, and staff time charged to the project, which flows into the total amount and becomes part of the budget. All of the separate purchases for lights that staff made over time are added into the figure. If there is a shortfall, staff would then request an additional authorization from Council.

To summarize the process, Council Member Hitchcock confirmed that all of the approvals for luminaires and standards are eventually charged to the streetlight completion project account, but it does not come out of the COPs until the final request comes through, the total of which would include all of the components of the project. Mr. Vallow agreed, stating that it is the master budget for the phase of that project, which allows staff to begin soliciting bids.

Council Member Hitchcock questioned where the specific authorization was that allows this project to be charged to COPs. She recalled that Council was well into the middle of putting together the bond before former Mayor Nakanishi came up with the streetlight project.

City Manager Flynn responded that it is in the installment purchase agreement, Section 7.02, "Use of Proceeds," which states the Corporation and the City agree that the proceeds of this contract will be used by the City as agent for the Corporation to pay the costs of the existing facilities and the 1999 projects, including the reimbursement to the City of amounts advanced for such costs. The 1999 projects include dusk to dawn lighting and streetlight design. It was in all the documentation at the time the COP was adopted by Council.

Mr. Vallow agreed that it is difficult to find in the official statement of the financing documents. The specificity exists in the installment purchase contract between the City and the underwriter. Mr. Vallow stated that staff has followed the list of 1999 projects, as set forth in the COP documentation.

Council Member Hitchcock stated that she has a different definition of dusk to dawn lighting as projects where streetlights or lights were added to existing poles or a specific area, such as an alleyway, and the customer paid a monthly fee.

Mr. Vallow acknowledged that Electric Utility does still do this and has a rate referred to as dusk to dawn lighting. Safety and street lighting is considered dusk to dawn as well.

Council Member Hitchcock pointed out that the budget shows dusk to dawn lighting at \$2,200 for both 2003-04 and 2004-05 and questioned how this can be the streetlight completion project.

Mr. Vallow stated that definitions do transition over time; however, he is certain that staff would not have used COP funding for a \$2,200 a year expenditure. This dusk to dawn lighting definition is a bit different, as it involves lighting on someone's physical property, some of which have public access and others that do not. This dusk to dawn program existed before Electric Utility began installing lights in alleyways.

Mayor Hansen stated that the first three phases of the streetlight completion project have been budgeted in the past out of COPs, and the issue for Council now is does it want to approve this project or not. The definitions are not going to change the basic concept of whether or not to go forward with the recommendation for Phase IV. The documentation is thorough and illustrates that it has been done previously.

Council Member Hitchcock believed that the streetlight completion project should not have been funded by the COPs, based upon what is stated in the installment purchase contract. There is nothing in it that allows this project, and these contracts are very specific—the City must spend the money for what it was borrowed. This project was created after the COP funding was in place, and she felt it was not intended to be used for this purpose. If the documentation had stated streetlight completion project or street lighting, it would have been acceptable; however, dusk to dawn is entirely different.

Mr. Vallow pointed out that the budget lists dusk to dawn lighting in two separate places: in the capital budget for \$2,200 and under system improvement, dusk to dawn lighting, for \$917,000.

City Manager Flynn responded to Ms. Hitchcock that the basic line is distribution system improvement, dusk to dawn, \$919,200.

Council Member Hitchcock countered that the distribution system improvement is the total of the two: the distribution system improvement for \$917,000 and dusk to dawn lighting for \$2,200. Ms. Hitchcock requested that Mr. Vallow provide her with the voluminous COP documentation to which he referred earlier.

Mr. Vallow assured Council that the intent when this project was brought before Council in 2000 was to use COP dollars.

Council Member Hitchcock requested to be provided with a complete accounting of the Electric Utility COP, the number of projects, and what has been purchased.

Council Member Howard expressed concern about this morning's discussion and the underlying accusations against staff about wrongful use of money. She believed that staff has not done anything incorrectly and that the communications consistently show to Council and the public the purpose and use of these funds. She pointed out that Council Member Hitchcock's support of this project goes back in documentation to August 2000, and there are times that she made, seconded, or approved the motion. This is a good project, and it has been shown with sufficient documentation.

Council Member Hitchcock responded that the documentation proves that when the funding source was from COPs she did question it. When the funding source came from the 161672 account, which she believed to be coming out of Electric Utility's operating budget, she did not question it. She apologized to the community and to Council if she voted incorrectly; however, she was under the impression that this was a project authorized in the COPs. She now believes that the City has been using COPs incorrectly, because the streetlight completion project was not approved as part of the installment contract. She began to look deeper into this because of the money the City shifted and borrowed from various funds, for which there is no plan for repayment, and because of Mr. Flynn's comment the other night when he said he was comfortable with the City operating in the red with the transit system for these last five years.

Mayor Pro Tempore Beckman requested that from this point forward staff be very clear in the streetlight completion project so there is no language that would confuse it with any other on-going lighting project.

MOTION:

Mayor Pro Tempore Beckman made a motion, Howard second, to approve the plans and specifications and authorize advertisement for bids for installation of streetlights on Phase IV of the streetlight completion project and authorize the transfer of funds for the project (\$980,000).

DISCUSSION:

Council Member Hitchcock requested that Mr. Vallow contact the City's bond counsel for clarification on this project. Mayor Hansen suggested that it be in writing.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hansen

Noes: Council Members – Hitchcock

Absent: Council Members – None

Council Member Hitchcock further requested an itemization of the expenditures for the Electric Utility COPs, what has been paid, and what still needs to be paid. Additionally, she would like to see a detailed listing of the project with the costs and those items that have been purchased checked off the list.



*Continued May 11, 2004*

C. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 7:51 a.m.

ATTEST:

Jennifer M. Perrin  
Deputy City Clerk

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, MAY 18, 2004**

The May 18, 2004, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Susan J. Blackston  
City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, MAY 18, 2004**

**A. CALL TO ORDER / ROLL CALL**

The Special City Council meeting of May 18, 2004, was called to order by Mayor Hansen at 7:00 a.m.

Present: Council Members – Beckman, Hitchcock (left at 8:30 a.m.), Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

**B. REGULAR CALENDAR**

B-1 “Approve Special Allocation for expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation (\$313,529.16)” was ***continued to May 19, 2004, at 7:00 p.m.***

B-2 “City Council discussion and direction regarding Assembly Bill 2476 (Wolk) concerning the expansion of the Delta Protection Commission land use authority”

Community Development Director Bartlam stated that Assembly Bill 2476 would amend the Delta Protection Commission’s authority with regard to lands that are in the primary and secondary zones of the Delta. All of the City’s White Slough Water Pollution Control Facility is within the secondary zone. The bill attempts to place more emphasis on the secondary zone and its importance to the Delta as a whole. Language in the bill requires the Commission to identify those lands in the secondary zone, which under the Commission’s review, would have impact to the primary zone if those lands were to be developed. He noted that development in the secondary zone is allowed presently. The bill calls for more special interest membership on the Delta Protection Commission having served agricultural, environmental, or recreational interests. Currently the Commission is comprised primarily of Reclamation District members.

Mr. Bartlam noted that both he and Public Works Director Prima reviewed AB 2476 and do not believe there is necessarily an impact to the White Slough property. There is a larger impact to other cities, with the issue being loss of local control over their general plan and land use authority. For that reason, staff recommends that Council oppose the bill. Further he stated that the bill creates another state mandate and layer of review that does not exist today for communities around the Delta. He reported that there will be a conference call on Thursday involving all the cities with jurisdiction around the Delta, so that the League of California Cities can ascertain what their involvement ought to be in this matter.

Mayor Pro Tempore Beckman felt that the operative language that affects Lodi is that the existing authority of the Delta Commission would change so that if a person were to appeal to the Commission an action that the City took at the White Slough facility, the Commission could require the City to modify its action to conform with their findings.

In response to Council Member Hitchcock, Mr. Bartlam acknowledged that another benefit to opposing the bill is that the more development that Tracy and Stockton can do within their boundaries near the Delta, the less likely they will be looking at land to develop north of Eight Mile Road.

**MOTION / VOTE:**

The City Council, on motion of Mayor Pro Tempore Beckman, Hansen second, unanimously directed staff to prepare a formal letter of opposition to Assembly Bill 2476 to be signed by Mayor Hansen.

C. CLOSED SESSION

At 7:15 a.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matters:

- a) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual Litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM
- f) Public Employment: Government Code §54957 – to consider the appointment or employment of an independent contractor serving in the capacity of a public officer or employee

The Closed Session adjourned at 8:34 a.m.

D. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 8:34 a.m., Mayor Hansen reconvened the Special City Council meeting, and Interim City Attorney Schwabauer disclosed the following actions.

In regard to Items C (a) through (e), no reportable action was taken.

In regard to Item C (f), the City Council approved negotiation of a contract to be brought back for final approval.

MOTION TO ADJOURN MEETING:

The City Council, on motion of Mayor Hansen, Beckman second, adjourned the meeting to Wednesday, May 19, 2004, at 7:00 p.m., to discuss Items B-1 and C (a) through (f). The motion carried by the following vote:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hansen

Noes: Council Members – None

Absent: Council Members – Hitchcock

E. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:35 a.m. to Wednesday, May 19, 2004, at 7:00 p.m.

ATTEST:

Susan J. Blackston  
City Clerk

**LODI CITY COUNCIL  
ADJOURNED SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MAY 19, 2004**

*Adjourned from Tuesday, May 18, 2004*

**A. CALL TO ORDER / ROLL CALL**

The Adjourned Special City Council meeting of May 19, 2004 (*adjourned from Tuesday, May 18, 2004*), was called to order by Mayor Hansen at 1:24 a.m., Thursday, May 20, 2004.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

**VOTE TO ADJOURN MEETING**

The City Council, on motion of Mayor Pro Tempore Beckman, Hansen second, unanimously continued the meeting (Items B-1 and C (a) through (f)) to May 21, 2004, at 7:00 a.m.

**B. REGULAR CALENDAR**

B-1 “Approve Special Allocation for expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation (\$313,529.16)” was ***continued to May 21, 2004, at 7:00 a.m.***

**C. CLOSED SESSION**

The following Closed Session items were ***continued to May 21, 2004, at 7:00 a.m.***

- a) Actual Litigation: Government Code §54956.9(a); one case; *People of the State of California; and the City of Lodi, California v. M & P Investments, et al.*; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; *Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al.*, Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual Litigation: Government Code §54956.9(a); one case; *City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association*, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM
- f) Public Employment: Government Code §54957 – to consider the appointment or employment of an independent contractor serving in the capacity of a public officer or employee

**D. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION – N/A**

**E. ADJOURNMENT**

There being no further business to come before the City Council, the meeting was adjourned at 1:25 a.m., Thursday, May 20, 2004, to Friday, May 21, 2004, at 7:00 a.m.

ATTEST:

Susan J. Blackston  
City Clerk

**LODI CITY COUNCIL  
ADJOURNED SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
FRIDAY, MAY 21, 2004**

*Re-adjourned from Wednesday, May 19, 2004  
(Original meeting date was May 18, 2004)*

**A. CALL TO ORDER / ROLL CALL**

The Adjourned Special City Council meeting of May 21, 2004 (*re-adjourned from Wednesday, May 19, 2004*), was called to order by Mayor Hansen at 7:00 a.m.

Present: Council Members – Beckman, Howard, Land, and Mayor Hansen

Absent: Council Members – Hitchcock

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

**B. REGULAR CALENDAR**

- B-1 “Approve Special Allocation for expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation (\$313,529.16)”

**MOTION #1 / VOTE:**

The City Council, on motion of Mayor Hansen, Beckman second, approved Barger & Wolen invoice #200028.25 in the amount of \$61,499.75 and invoice #198068.25 in the amount of \$64,342.76. The motion carried by the following vote:

Ayes: Council Members – Beckman, Howard, and Mayor Hansen

Noes: Council Members – Land

Absent: Council Members – Hitchcock

**MOTION #2 / VOTE:**

The City Council, on motion of Mayor Hansen, Beckman second, approved Treadwell & Rollo invoice #0099687 in the amount of \$37,526.50; Kronick, Moskovitz, Tiedemann & Girard invoice #213150 in the amount of \$91,609.68 and invoice #213604 in the amount of \$53,509.47; and the Downey Brand invoice in the amount of \$414. The motion carried by the following vote:

Ayes: Council Members – Beckman, Howard, Land, and Mayor Hansen

Noes: Council Members – None

Absent: Council Members – Hitchcock

**C. CLOSED SESSION**

At 7:00 a.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matters:

- a) Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual Litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM

- f) Public Employment: Government Code §54957 – to consider the appointment or employment of an independent contractor serving in the capacity of a public officer or employee

The Closed Session adjourned at 7:45 a.m.

D. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:46 a.m., Mayor Hansen reconvened the Special City Council meeting, and Interim City Attorney Schwabauer disclosed that the City Council voted 40 to file a petition for review by the State Water Resources Control Board of the Central Valley Regional Water Quality Control Board Cleanup and Abatement Order No. R5-204-004. No other reportable action was taken in Closed Session.

E. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 7:46 a.m.

ATTEST:

Susan J. Blackston  
City Clerk

**LODI CITY COUNCIL  
SPECIAL CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
FRIDAY, MAY 21, 2004**

**A. CALL TO ORDER / ROLL CALL**

The Special City Council meeting of May 21, 2004, was called to order by Mayor Hansen at 4:38 p.m.

Present: Council Members – Hitchcock, Howard, and Mayor Hansen

Absent: Council Members – Beckman and Land

Also Present: City Manager Flynn, Interim City Attorney Schwabauer, and City Clerk Blackston

**B. CLOSED SESSION – NOTE: *Closed Session was not held.***

- a) Actual Litigation: Government Code §54956.9(a); one case; *People of the State of California; and the City of Lodi, California v. M & P Investments, et al.*; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- b) Actual litigation: Government Code §54956.9(a); one case; *Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al.*, Superior Court, County of San Francisco, Case No. 323658
- c) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- d) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual Litigation: Government Code §54956.9(a); one case; *City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association*, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM
- f) Public Employment: Government Code §54957 – to consider the appointment or employment of an independent contractor serving in the capacity of a public officer or employee

**C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION – N/A**

**D. REGULAR CALENDAR**

- D-1 “Approve contract for independent contractor serving in the capacity of a public officer or employee in regard to the Environmental Abatement Program litigation”

Interim City Attorney Schwabauer reported that the contract (filed) before Council for consideration was negotiated by himself and Mayor Hansen with the firm of Folger Levin and Kahn (FLK) to provide services for the City in the groundwater contamination and related litigation. The main terms negotiated were an hourly rate for partners of \$395 an hour, associates at \$235 an hour, and a blended rate of partners and associates at \$325 an hour. The firm will generate two bills every month, one on the basis of the \$395 partner rate and the \$235 associate rate, and one on the basis of a \$325 blended rate between the partners and associates. Whichever bill is lower will be due and payable by the City. The contract includes Section 4 entitled, “Initial Assessment Task,” which stipulates that certain sub-tasks will be completed in 30 days for an amount not to exceed \$150,000. Mr. Schwabauer explained that once the Initial Assessment Task has been completed, FLK will bring forward a six-month budget forecast. In the fourth month of that budget, FLK will submit a budget for the following six months. In the fifth month, the Council will have an opportunity to approve that budget, and it would be ready to go forward in month seven. He noted that the process, as explained, would continue throughout the life of the contract.



The contract indicates that the firm would not be able to bill in excess of the approved budget, unless advance approval was given from the Council. FLK will not bill for travel to San Joaquin County. FLK has agreed to abide by billing guidelines established by the City Attorney's Office in February 2004, which includes that no more than 10 cents a page for copies be charged, there will be no charge for secretarial time, and reasonable travel expense rules are abided by.

At a special closed session meeting held this morning the contract was reviewed by the four Council Members present (Council Member Hitchcock was absent). All four Council Members expressed support of the contract. It is desired to have all five Council Members present to approve the contract in its entirety. Mr. Schwabauer asked Council to consider only section 4 of the contract today.

Council Member Howard confirmed that Council Member Land and Mayor Pro Tempore Beckman reviewed the contract earlier in the day and indicated their support of its approval.

Mayor Hansen recalled the process that took place for the Request for Information process to obtain a legal firm to represent the City in the Environmental Abatement Program litigation. Interviews of six firms were conducted before all five Council Members. Three firms were selected as finalists and thorough background checks were done on each firm. FLK has had success with Wall Street firms and experience in environmental litigation, malpractice, coverage counsel, and locating additional insurance companies. Mayor Hansen believed that the City will now be able to progress in a very aggressive and positive way to clean up the soil and protect the drinking water for the community. He predicted that by the end of 2004 there will be significant actions taking place including characterizing the site and, hopefully, settling and beginning to cleanup the soil. He expressed thanks to Interim City Attorney Schwabauer, and Dan O'Hanlon and Robert Murphy of the firm Kronick Moskowitz Tiedemann and Girard (KMTG) who were instrumental in seeing the City through a difficult period the last five months.

Council Member Howard also expressed her gratitude to these individuals and to Council for working as a team and devoting a significant amount of time and consideration to this process.

In response to Council Member Hitchcock, Mr. Schwabauer reviewed the upcoming litigation schedule and noted that KMTG would be working with FLK on certain matters in the coming weeks.

Council Member Hitchcock stated that she felt very comfortable with the selection of FLK and was pleased that the City would be taking a much more traditional approach via the Comprehensive Environmental Response, Compensation and Liability Act instead of the Municipal Environmental Response and Liability Ordinance.

MOTION #1 / VOTE:

The City Council, on motion of Mayor Hansen, Howard second, adopted Resolution No. 2004-102 approving *Section 4, Initial Assessment Task*, of the agreement to engage outside legal counsel between the City and Folger Levin & Kahn, to be completed in 30 days and appropriating funds not to exceed \$150,000. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Howard, and Mayor Hansen

Noes: Council Members – None

Absent: Council Members – Beckman and Land

Interim City Attorney Schwabauer noted that the contract also has a conflict waiver that arises out of the fact that FLK would be jointly representing the City and the Lodi Financing Corporation in the Lehman Brothers litigation. He explained that any time two entities are represented in the same litigation there may be circumstances in which the two entities' interests conflict.

MOTION #2 / VOTE:

The City Council, on motion of Mayor Hansen, Howard second, approved the conflict of interest waiver/consent to Folger Levin & Kahn's representation of multiple parties. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Howard, and Mayor Hansen

Noes: Council Members – None

Absent: Council Members – Beckman and Land

E. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 5:00 p.m.

ATTEST:

Susan J. Blackston  
City Clerk

**CITY OF LODI  
INFORMAL INFORMATIONAL MEETING  
"SHIRTSLEEVE" SESSION  
CARNEGIE FORUM, 305 WEST PINE STREET  
TUESDAY, MAY 25, 2004**

The May 25, 2004, Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was canceled.

ATTEST:

Susan J. Blackston  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Awarding the Bid for Purchase of One (1) AC HiPot Tester to High Voltage Inc. of Copake, New York and Appropriate Funding (\$6,788.25) (EUD)

**MEETING DATE:** June 2, 2004

**PREPARED BY:** Electric Utility Director

---

**RECOMMENDED ACTION:** That the City Council adopt a resolution awarding the bid for the purchase of one (1) AC HiPot tester to the sole bidder, High Voltage Inc. of Copake, New York, in the amount of \$6,788.25 and appropriate funds for this purchase.

**BACKGROUND INFORMATION:** On April 21, 2004 the City Council approved specifications and authorized advertisement for bids for the purchase of an AC HiPot test system. This test system replaces an existing DC test system. AC test systems, due to the ability to simulate real conditions, are preferred for testing of vacuum switching equipment. The Electric Utility Department's substations utilize vacuum style circuit breakers for the majority of the 12kV circuits. Knowing the condition of the vacuum bottles in the circuit breakers under a "real" test condition will enable the Electric Department to more efficiently spot any impending failures in the circuit breakers. The tester will also enable testing of vacuum bottles to ANSI and IEEE standards which cannot be done at present.

**FUNDING:** Electric Utility Department's 2003-04 Financial Plan & Budget  
Business Unit #: 1611201; \$12,000 (page E-48).

**Funding Approval:**

\_\_\_\_\_  
James Krueger  
Finance Director

\_\_\_\_\_  
Alan N. Vallow  
Electric Utility Director

**PREPARED BY:** Jess Kerekes, Electric Systems Supervisor, Acting.

ANV/JK/kse

cc:

---

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AWARDING THE BID FOR THE PURCHASE OF ONE  
(1) HiPOT TESTER TO THE SOLE BIDDER

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on May 12, 2004, at 11:00 a.m. for One (1) AC HiPot Tester, described in the specifications therefore approved by the City Council on April 21, 2004; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

<u>Bidder/Location</u>	<u>Bids</u>
High Voltage Inc., Copake, New York	\$ 6,788.25

WHEREAS, the City Manager recommends award of the bid for One (1) AC HiPot Tester be made to the sole bidder, High Voltage Inc., of Copake, New York.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the award of the bid for One (1) AC HiPot Tester be made to the sole bidder, High Voltage Inc., of Copake, New York.

Dated: June 2, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 2, 2004, by the following vote:

AYES: COUNCIL MEMBERS –  
NOES: COUNCIL MEMBERS –  
ABSENT: COUNCIL MEMBERS –  
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_



TM

## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Authorizing the Purchase of 122 forty Caliber Glock Pistols and 30 Glock Magazines from LC Action Police Supply of San Jose (Asset Seizure \$20,569.77)

**MEETING DATE:** June 2, 2004

**PREPARED BY:** Jerry J. Adams, Chief of Police

---

**RECOMMENDED ACTION:** That the City Council adopt a resolution authorizing the purchase of one hundred twenty two (122), forty caliber (.40), Glock semi-automatic pistols and thirty (30) Glock G22 magazines from LC Action Police Supply of San Jose, California, in the amount of \$20,569.77.

**BACKGROUND INFORMATION:** The Department's one hundred twenty two (122) Glock pistols are over eleven-years old. We are experiencing an increase in mechanical breakdowns from repeated use. Glock, Incorporated has a replacement program that would provide us new Glock .40 caliber pistols and all the current up-grades for a fraction of the cost of pistols purchased outside the replacement program. Glock provides this program to law enforcement agencies because they recognize that police pistols more than ten years old should be removed from law enforcement use. Currently, Glock is the only pistol manufacturer that has a replacement program for our pistols. Additionally, this purchase would include thirty LE magazines, twenty to be fully loaded and stored in the lieutenant's and sergeant's patrol cars in case of emergency. The remaining ten would be maintained for replacement and rotation.

Staff solicited comparative pricing from twelve suppliers. We received responses from three (Davidson's Law Enforcement, Prescott, AZ - \$22,847.95, Glock Direct, Smyrna, GA - \$20,701.22, and LC Action, San Jose, CA - \$20,569.77), and determined that LC Action's processing of the replacement order would yield the lowest overall cost. The Police Department has worked with LC Action for over twelve years and experienced a good professional relationship, and they were the only California distributor to respond.

Lodi City Code Section 3.20.070 allows for dispensation of the bid process when the City Council determines that an alternative method of purchase is in the best interest of the City. Staff therefore recommends taking advantage of Glock's replacement program through LC Action because of lower overall costs, their proximity to Lodi, and a twelve year relationship working with them.

**FUNDING:** Asset Seizure \$20,569.77

---

James R. Krueger  
Finance Director

---

Jerry J. Adams  
Chief of Police

cc: City Attorney

---

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AUTHORIZING USE OF ASSET SEIZURE FUNDS TO  
PURCHASE GLOCK PISTOLS AND MAGAZINES FOR  
THE LODI POLICE DEPARTMENT

=====

WHEREAS, Lodi Municipal Code §3.20.070 authorizes dispensing with bids for purchases of supplies, services, or equipment when it is in the best interest of the City to do so; and

WHEREAS, the Lodi Police Department's 122 Glock pistols are over eleven-years old and are experiencing increased mechanical breakdowns from repeated use; and

WHEREAS, Glock, Incorporated has a replacement program that would provide new Glock .40 caliber pistols and all the current up-upgrades for a fraction of the cost of pistols purchased outside the replacement program; and

WHEREAS, currently, Glock is the only pistol manufacturer that has a replacement program for our pistols, and provides this program to law enforcement agencies because they recognize that police pistols more than ten years old should be removed from law enforcement use; and

WHEREAS, this purchase would also include thirty LE magazines, twenty to be fully loaded and stored in the Lieutenant's and Sergeant's patrol cars in case of emergency, and the remaining ten would be maintained for replacement and rotation; and

WHEREAS, staff solicited comparative pricing from twelve suppliers, and received the following three responses:

LC Action, San Jose, CA	\$20,569.77
Glock Direct, Smyrna, GA	\$20,701.22
Davidson's Law Enforcement, Prescott, AZ	\$22,847.95

Staff therefore recommends taking advantage of Glock's replacement program through LC Action because of lower overall costs, their proximity to Lodi, and a twelve-year working relationship with them.

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby approves the use of Asset Seizure Funds to purchase 122 Forty Caliber Glock Pistols and 30 Glock Magazines from LC Action Police Supply of San Jose, California in the amount of \$20,569.77.

Dated: June 2, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held June 2, 2004 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_





## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Awarding Contract for the Water and Wastewater Main Replacement Program – Project No. 2 to Crutchfield Construction Company; and Appropriate \$2,350,000 for the Project

**MEETING DATE:** June 2, 2004

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution awarding the contract for the above project to Crutchfield Construction Company, of Lodi, in the amount of \$1,994,167.20; and appropriate additional funds in accordance with the recommendation below.

**BACKGROUND INFORMATION:** The Water and Wastewater Main Replacement Program is a multi-year, multi-project program to rehabilitate existing water and wastewater infrastructure in the oldest parts of the City. The limits of this project (Project No. 2) are reflected on the attached Exhibit. Portions of Project No. 2 lie adjacent to the limits of Project No. 1 which was completed in the fall of 2003.

Project No. 2 includes trenchless rehabilitation of approximately 12,100 LF of existing 6-inch diameter wastewater main located in the backyards of homes; the installation of approximately 6,500 LF of new water main in the public right-of-way, along with approximately 325 new water services. The construction work is anticipated to take approximately eight months.

Plans and specifications for this project were approved on March 17, 2004. On May 12, 2004, sealed bids were opened with the following results:

Bidder	Location	Bid
Engineering Estimate		\$2,511,583.00
Crutchfield Construction Company	Stockton, CA	\$1,994,167.20
Tidelands Construction Company	Brentwood, CA	\$2,388,805.00

The bid received by Crutchfield Construction Company is technically compliant with the City's plans and specifications, and the bidder possesses the required valid contractor's license. A bid summary is attached.

Construction of this project is anticipated to start in June of this year. Inspection and construction management services will be performed by City Engineering staff. The work associated with connecting the new water mains with the existing water mains will be performed by Water/Wastewater Division

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

crews with City-supplied materials. Public information meetings will be conducted to inform the community about the construction schedule and project scope.

An additional component of this project includes pavement restoration. However, due to the timing of this project, it may be necessary to postpone this component until the summer of 2005. At such time, the pavement restoration work will be funded by the Water and Wastewater Utility Capital Outlay Funds.

**FUNDING:** Funding for this project will be from the Water and Wastewater Capital Outlay Funds and distributed as shown below. The difference between the contract and the requested appropriation includes funds for City-supplied water and wastewater materials, materials testing, and anticipated change orders arising from unforeseen changes in the work.

Requested Appropriation:	\$2,350,000.00	
Water Utility Capital Outlay Fund (181677)	\$	730,000.00
Wastewater Utility Capital Outlay Fund (171022)	\$	1,620,000.00
Total Project Estimate:	\$2,350,000.00	
Bid Opening Date:	May 12, 2004	

---

James R. Krueger, Finance Director

---

Richard C. Prima, Jr.  
Public Works Director

Prepared by Charlie Swimley, Senior Civil Engineer

RCP/CES/pmf

Attachments

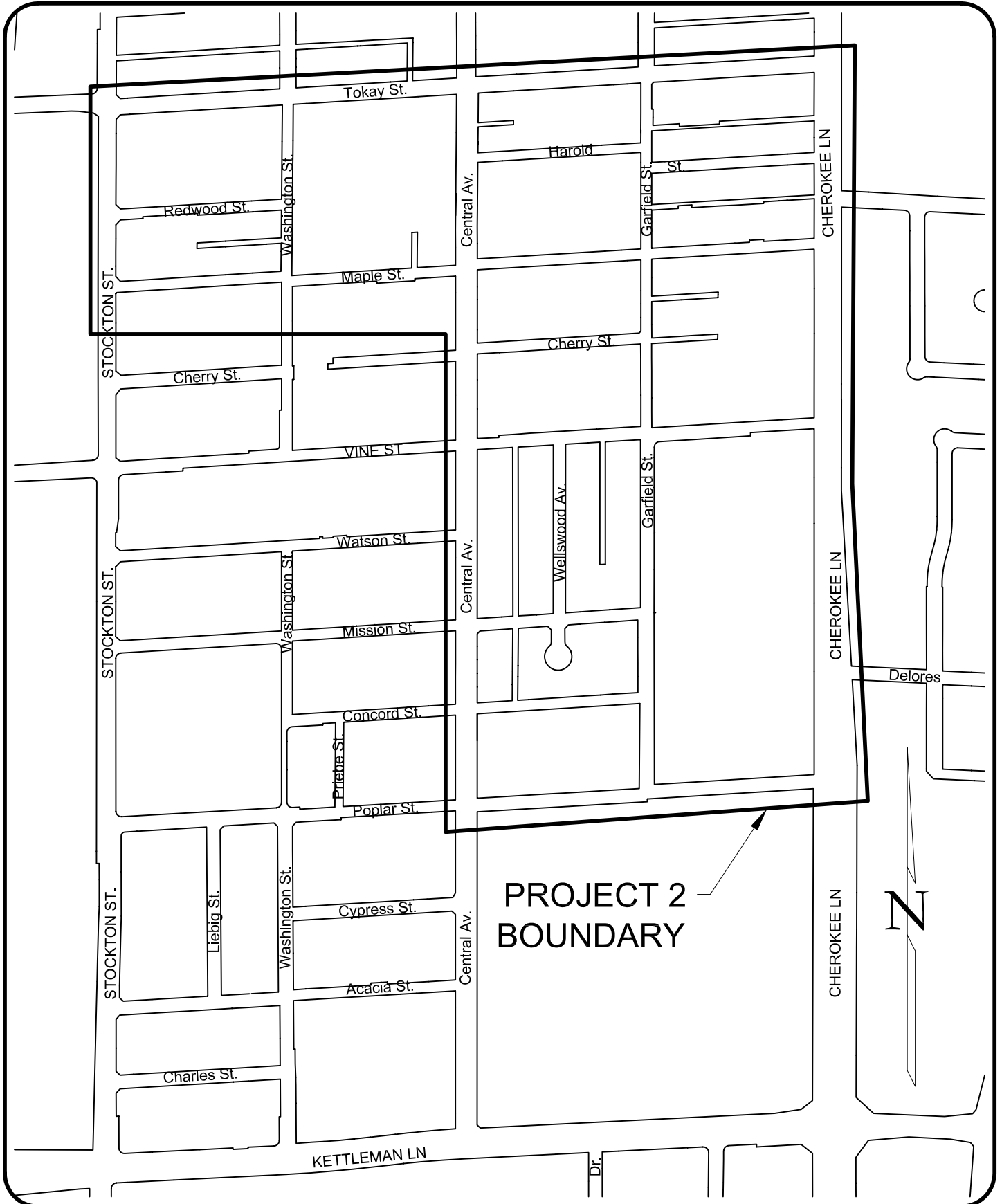
cc: Stephen Schwabauer, Interim City Attorney  
F. Wally Sandelin, City Engineer  
Wes Fujitani, Senior Civil Engineer  
Sharon Welch, Senior Civil Engineer  
Paula Fernandez, Senior Traffic Engineer  
Joel Harris, Purchasing Officer  
Frank Beeler, Assistant Water/Wastewater Superintendent  
George Bradley, Street Superintendent



# CITY OF LODI

PUBLIC WORKS DEPARTMENT

## Eastside Project 2 Boundary



PROJECT 2  
BOUNDARY

**Water Wastewater Main Replacement Program  
(Project No. 2)**

				Engineer's Estimate		Crutchfield Construction		Tidelands Construction		Contractor Average	
Item No.	Description	Unit	Qty.	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
<b>A</b>	<b>Miscellaneous</b>										
1	Mobilization	LS	1	\$ 120,000.00	\$ 120,000.00	\$ 200,000.00	\$ 200,000.00	\$ 50,000.00	\$ 50,000.00	\$ 125,000.00	\$ 125,000.00
2	Construction Photography	LS	1	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 3,500.00	\$ 3,500.00	\$ 2,250.00	\$ 2,250.00
3	Public Notification	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 1,000.00	\$ 1,000.00	\$ 3,000.00	\$ 3,000.00
4	Clean and CCTV Existing 6" Wastewater Pipeline (Post Construction)	LF	12,066	\$ 2.25	\$ 27,148.50	\$ 1.20	\$ 14,479.20	\$ 1.00	\$ 12,066.00	\$ 1.10	\$ 13,272.60
5	Sheeting, shoring, sloping, and bracing or equivalent method conforming to applicable safety standards.	LS	1	\$ 30,000.00	\$ 30,000.00	\$ 11,000.00	\$ 11,000.00	\$ 8,500.00	\$ 8,500.00	\$ 9,750.00	\$ 9,750.00
6	Storm Water Pollution Prevention Plan	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 2,000.00	\$ 2,000.00	\$ 3,000.00	\$ 3,000.00	\$ 15,001.00	\$ 15,001.00
7	Storm Water Pollution Control	LS	1	\$ 30,000.00	\$ 30,000.00	\$ 2,000.00	\$ 2,000.00	\$ 1,500.00	\$ 1,500.00	\$ 15,002.00	\$ 15,002.00
8	As Built Drawings	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 2,000.00	\$ 2,000.00	\$ 500.00	\$ 500.00	\$ 15,003.00	\$ 15,003.00
	<b>Subtotal Miscellaneous</b>				<b>\$ 228,148.50</b>		<b>\$ 237,479.20</b>		<b>\$ 80,066.00</b>		<b>\$ 198,278.60</b>
<b>B</b>	<b>Wastewater</b>										
1	Install new 6" Wastewater Pipeline by open-cut methods	LF	99	\$ 100.00	\$ 9,900.00	\$ 60.00	\$ 5,940.00	\$ 150.00	\$ 14,850.00	\$ 105.00	\$ 10,395.00
2	Rehabilitate Existing 6" Wastewater Pipeline	LF	12,066	\$ 35.00	\$ 422,310.00	\$ 35.00	\$ 422,310.00	\$ 26.50	\$ 319,749.00	\$ 30.75	\$ 371,029.50
3	Internal / External Lateral Reinstatement	EA	281	\$ 325.00	\$ 91,325.00	\$ 330.00	\$ 92,730.00	\$ 300.00	\$ 84,300.00	\$ 315.00	\$ 88,515.00
4	Point Repair - Open Cut Method	EA	5	\$ 2,500.00	\$ 12,500.00	\$ 2,000.00	\$ 10,000.00	\$ 6,000.00	\$ 30,000.00	\$ 4,000.00	\$ 20,000.00
5	Manhole Rehabilitation	EA	48	\$ 1,325.00	\$ 63,600.00	\$ 1,800.00	\$ 86,400.00	\$ 950.00	\$ 45,600.00	\$ 1,375.00	\$ 66,000.00
6	Abandon Existing Wastewater Pipeline	LF	120	\$ 20.00	\$ 2,400.00	\$ 10.00	\$ 1,200.00	\$ 15.00	\$ 1,800.00	\$ 12.50	\$ 1,500.00
7	WW Service Cleanout	EA	5	\$ 525.00	\$ 2,625.00	\$ 500.00	\$ 2,500.00	\$ 1,000.00	\$ 5,000.00	\$ 750.00	\$ 3,750.00
8	Install WW Manhole	EA	5	\$ 2,000.00	\$ 10,000.00	\$ 4,200.00	\$ 21,000.00	\$ 5,000.00	\$ 25,000.00	\$ 4,600.00	\$ 23,000.00
9	Abandon Exist. WW Manhole	EA	2	\$ 900.00	\$ 1,800.00	\$ 750.00	\$ 1,500.00	\$ 1,000.00	\$ 2,000.00	\$ 875.00	\$ 1,750.00
	<b>Subtotal Wastewater</b>				<b>\$ 616,460.00</b>		<b>\$ 643,580.00</b>		<b>\$ 528,299.00</b>		<b>\$ 585,939.50</b>
<b>C</b>	<b>Water Improvements</b>										
1	Install new 8" Water Main	LF	5,266	\$ 50.00	\$ 263,300.00	\$ 66.00	\$ 347,556.00	\$ 105.00	\$ 552,930.00	\$ 85.50	\$ 450,243.00
2	Install new 6" Water Main	LF	217	\$ 49.00	\$ 10,633.00	\$ 61.00	\$ 13,237.00	\$ 80.00	\$ 17,360.00	\$ 70.50	\$ 15,298.50
3	Install new 3" Water Main	LF	152	\$ 49.00	\$ 7,448.00	\$ 30.00	\$ 4,560.00	\$ 90.00	\$ 13,680.00		\$ -
4	Install new 2" Water Main	LF	806	\$ 49.00	\$ 39,494.00	\$ 30.00	\$ 24,180.00	\$ 70.00	\$ 56,420.00		\$ -
5	Install 1" Water Service w/ Valve Box (Tapping New Mains)	EA	171	\$ 2,000.00	\$ 342,000.00	\$ 925.00	\$ 158,175.00	\$ 950.00	\$ 162,450.00	\$ 937.50	\$ 160,312.50
6	Install 1" Water Service w/ Valve Box (Tapping Exist. Mains)	EA	155	\$ 1,800.00	\$ 279,000.00	\$ 1,000.00	\$ 155,000.00	\$ 1,000.00	\$ 155,000.00	\$ 1,000.00	\$ 155,000.00
7	Connect New Water Service to Buildings	EA	326	\$ 1,200.00	\$ 391,200.00	\$ 600.00	\$ 195,600.00	\$ 1,800.00	\$ 586,800.00	\$ 1,200.00	\$ 391,200.00
8	Install 1" Extended Water Service to Back Lot	EA	10	\$ 2,000.00	\$ 20,000.00	\$ 1,500.00	\$ 15,000.00	\$ 3,750.00	\$ 37,500.00	\$ 2,625.00	\$ 26,250.00
9	Install 8" Gate Valve	EA	7	\$ 900.00	\$ 6,300.00	\$ 900.00	\$ 6,300.00	\$ 1,250.00	\$ 8,750.00	\$ 1,075.00	\$ 7,525.00
10	Install Valve Box on Ex. Water Services		67	\$ 800.00	\$ 53,600.00	\$ 300.00	\$ 20,100.00	\$ 250.00	\$ 16,750.00		\$ -
11	Install Fire Hydrant Assembly	EA	12	\$ 3,000.00	\$ 36,000.00	\$ 3,000.00	\$ 36,000.00	\$ 3,500.00	\$ 42,000.00	\$ 3,250.00	\$ 39,000.00
12	Exist. Main Tie-In Excavations	EA	22	\$ 2,500.00	\$ 55,000.00	\$ 1,800.00	\$ 39,600.00	\$ 1,500.00	\$ 33,000.00	\$ 1,650.00	\$ 36,300.00
	<b>Subtotal Water</b>				<b>\$ 1,503,975.00</b>		<b>\$ 1,015,308.00</b>		<b>\$ 1,682,640.00</b>		<b>\$ 1,281,129.00</b>
<b>D</b>	<b>Street and Landscape Improvements</b>										
1	Replace Existing Landscape Improvements per Lot Damaged during W/WW service connection/disconnection, and Point Repairs.	EA	326	\$ 500.00	\$ 163,000.00	\$ 300.00	\$ 97,800.00	\$ 300.00	\$ 97,800.00	\$ 300.00	\$ 97,800.00
	<b>Subtotal Street and Landscape Improvements</b>				<b>\$ 163,000.00</b>		<b>\$ 97,800.00</b>		<b>\$ 97,800.00</b>		<b>\$ 97,800.00</b>
	<b>Total Bid Price</b>				<b>\$ 2,511,583.50</b>		<b>\$ 1,994,167.20</b>		<b>\$ 2,388,805.00</b>		<b>\$ 2,163,147.10</b>

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING THE  
CONTRACT FOR THE WATER AND WASTEWATER MAIN  
REPLACEMENT PROGRAM – PROJECT NO. 2, AND FURTHER  
APPROPRIATE FUNDS FOR THE PROJECT

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council sealed bids were received and publicly opened on May 12, 2004, at 11:00 a.m. for the Water and Wastewater Main Replacement Program – Project No. 2, described in the specifications therefore approved by the City Council on March 17, 2004; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

<u>Bidder/Location</u>	<u>Bids</u>
<b><u>Engineering Estimate</u></b>	<b><u>\$2,511,583.00</u></b>
Crutchfield Construction Company, Stockton, CA	\$1,994,167.20
Tidelands, Construction Company, Brentwood, CA	\$2,388,805.00

WHEREAS, the City Manager recommends award of the contract for the Water and Wastewater Main Replacement Program – Project No. 2 to Crutchfield Construction Company, of Lodi, California.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the award of the contract for the Water and Wastewater Main Replacement Program – Project No. 2 be and the same is hereby awarded to Crutchfield Construction Company, of Lodi, California in the amount of \$1,994,167.20; and

BE IT FURTHER RESOLVED, that funds in the amount of \$2,350,000 be appropriated as follows:

Water Utility Capital Outlay Fund	\$ 730,000.00
Wastewater Utility Capital Outlay Fund	\$1,620,000.00

Dated: June 2, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 2, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Approving the Improvement Agreement for the Public Improvements for 2650 West Lodi Avenue and Appropriate Funds for the Required Reimbursements (\$8,220)

**MEETING DATE:** June 2, 2004

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council approve the improvement agreement for the public improvements for 2650 West Lodi Avenue, direct the City Manager and City Clerk to execute the agreement on behalf of the City, and appropriate funds for the required reimbursements.

**BACKGROUND INFORMATION:** The project consists of public street and underground utility improvements required for the construction of a mini-storage facility at 2650 West Lodi Avenue. The project site, known as the Raley's Shopping Center, is west of Lower Sacramento Road and south of Lodi Avenue.

The developer, Kristmont West, Inc., has furnished the City with improvement plans, necessary agreements, guarantees and insurance certificate for the proposed project.

The improvements include the installation of a master plan water main in Lodi Avenue, as well as street pavement improvements in Lodi Avenue. The developer is entitled to reimbursement by the City for the installation of oversize water main and excess width street pavement improvements in Lodi Avenue in conformance with LMC 15.64 Development Impact Mitigation Fees and 16.40 Reimbursements for Construction. All reimbursement will be made when the improvements are complete and accepted by the City.

Staff requests the appropriation of the funds listed below to cover the reimbursement to be paid by the City to developer.

<b>FUNDING:</b>	IMF – Local Street Improvements	(327)	\$ 1,441.00
	IMF – Water Improvements	(182)	\$ 6,781.50
	<b>TOTAL</b>		<b>\$ 8,222.50</b>

\_\_\_\_\_  
James R. Krueger, Finance Director

\_\_\_\_\_  
Richard C. Prima, Jr.  
Public Works Director

Prepared by Lyman Chang, Associate Civil Engineer  
RCP/LC/pmf  
cc: Senior Civil Engineer Fujitani  
AKT Development Corp.

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE  
IMPROVEMENT AGREEMENT FOR THE PUBLIC  
IMPROVEMENTS FOR 2650 WEST LODI AVENUE, AND  
FURTHER APPROPRIATING FUNDS FOR THE REQUIRED  
REIMBURSEMENTS

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Improvement Agreement for the Public Improvements for 2650 West Lodi Avenue; and

BE IT FURTHER RESOLVED that the City Council hereby directs the City Manager and City Clerk to execute the Improvement Agreement on behalf of the City of Lodi; and

BE IT FURTHER RESOLVED that funds in the amount of \$8,222.50 be appropriated as shown below, for reimbursement to the developer for the installation of an oversize water main and excess width street pavement improvements in Lodi Avenue in conformance with Lodi Municipal Code 15.64 Development Impact Mitigation Fees and 16.40 Reimbursements for Construction; and

Appropriation:	IMF - Local Street Improvements	\$1,441.00
	IMF - Water Improvements	\$6,781.50

BE IT FURTHER RESOLVED that all reimbursement will be made when the improvements are complete and accepted by the City.

Dated: June 2, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 2, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt resolution approving Fire Mid-Management Addendum to Statement of Benefits (unrepresented)

**MEETING DATE:** Wednesday, June 2, 2004

**PREPARED BY:** Human Resources Director

---

**RECOMMENDED ACTION:** Adopt resolution approving Fire Mid-Management Addendum to Statement of Benefits (unrepresented).

**BACKGROUND INFORMATION:** In July of 2003, benefit information for Fire Mid-Management employees was revised and clarified. Since that time, they have requested some changes which would make their benefit structure comparable with the employees that they supervise. The benefits are listed on the attached sheet (Attachment 1).

Additionally, Fire Mid-Management will be subject to the Vacation Leave Policy (Attachment 2).

**FUNDING:** Fire Operating Budget

**COST:** \$12,900 Annually

---

James Krueger, Finance Director

Respectfully submitted,

---

Joanne M. Narloch, Human Resources Director

cc: Interim City Attorney  
Mike Pretz, Fire Chief

---

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager



RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING CHANGES IN BENEFITS FOR FIRE MID-  
MANAGEMENT EMPLOYEES (UNREPRESENTED)

=====

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that changes in benefits for Fire Mid-Management Employees (Unrepresented) relating to Uniform Allowance, Department Sanctioned Teams, Performance Incentive Bonus, and Vacation Leave Policy are hereby approved, as shown on Attachment 1 and 2 attached hereto and made a part of this Resolution.

Dated: June 2, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 2, 2004, by the following vote:

AYES: COUNCIL MEMBERS –  
NOES: COUNCIL MEMBERS –  
ABSENT: COUNCIL MEMBERS –  
ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_

## **Fire Mid-Management Addendum to Statement of Benefits**

Attachment 1

### **ARTICLE IX – UNIFORM ALLOWANCE**

19.1 Uniform allowance shall be \$800.00 per year

### **ARTICLE XXVIII – DEPARTMENT SANCTIONED TEAMS**

- 28.1 It is the intent of the City to develop specialized teams to address a variety of special hazards and provide specialized services to the department or community. When a team is established, minimum standards for inclusion and retention as a team member shall be developed and ratified by the Fire Chief. Any member of the department who becomes a member of a recognized specialized team, shall receive a 2.5% salary increase for as long as he/she meets the minimum entry level requirements and maintains a minimum level of participation as outlined in the team membership requirements. Each employee of the department can only receive 2.5% of salary for team membership, regardless of the number of teams the employee belongs to.
- 28.2 Existing members of the Hazardous Materials Team shall remain members of the team and shall continue to receive the 2.5% salary increase. The three members of the department who meet the minimum requirements for inclusion on the Hazardous Material Team shall be able to join the team and receive the 2.5% salary increase upon ratification of this contract. However, no additional team members shall be assigned to the Hazardous Material Team until the membership falls below 12 members. There shall be a six month period for the team to develop acceptable performance standards for maintaining his/her membership on the team.
- 28.3 The development of new teams shall require the submittal of minimum entry level and performance criteria for maintenance of membership to the Fire Chief prior to the development of the team. The Fire Chief shall have the sole discretion as to the appropriate number of members per specialized team. The department shall make every effort to develop a cadre of specialized teams to adequately address the needs of its members.

### **ARTICLE XXIX – PERFORMANCE INCENTIVE BONUS**

29.1 Definition:

A Performance Incentive Bonus (PIB) is a monetary reward for meritorious performance above and beyond what is expected and required of all employees who satisfactorily meet the standards of their job.

## **Fire Mid-Management Addendum to Statement of Benefits**

The bonus shall be \$1,500.00 for those employees who have completed the service requirements of (10) years, and \$3,000.00 for those employee who have completed the service requirements of twenty (20) years.

The bonus is not a part of base salary. Receipt of the bonus for one (1) year does not affect the following year. Employees must submit a new application for each year they wish to be considered for the PIB.

It is understood that the bonus is discretionary, and is based upon meritorious performance as described in the PIB evaluation criteria.

Employees who are granted a PIB by the evaluation committee shall be issued a separate check for the appropriate amount in November of each year of this contract.

### **29.2 Eligibility:**

To be eligible to apply for the bonus, employees must meet the following minimum qualifications:

1. Employees must have completed at least ten (10) full years of service in this bargaining unit with the City of Lodi by the beginning of the preceding time period being evaluated (i.e. to be eligible for consideration in November of 2004, an employee shall have had to complete ten (10) full years of service by June 30, 2004).
2. Employees must have, at a minimum, a rating of meets standards, in the overall factor rating listed on the performance evaluation.
3. Special duty assignments shall include but are not limited to: Associate, and or members of a team (maintaining team qualifications and training hours); Actively participating in team deployments; Participation in Wildland fire deployment; Performing fire investigations; Public education activities; ROP program instruction; Active committee participation; SOP design and implementation; Training class instruction; Participation with civic/community organizations.
4. Employees must not have received discipline issued beyond an oral reprimand.
5. Employees must not have received a positive drug test.

## **Fire Mid-Management Addendum to Statement of Benefits**

6. Employee must have worked a minimum of eight months during the qualifying period.

Employees must have met the minimum qualifications by the beginning of the preceding time period being evaluated.

### **29.3 Evaluation of Application (Process):**

The PIB process shall consist of a committee evaluation, conducted on an annual basis and shall be based upon the preceding year's evaluation (July – June), and the events, activities, and actions during this same time period.

An evaluation committee shall be appointed to review and evaluate the applications. The evaluation committee shall be composed of one (1) Mid-Management representative, the Fire Chief, and one (1) representative from the Human Resources Department.

Applications for PIB must be made in writing on the designated application form within the time period allotted by the evaluation committee.

Applicants shall be evaluated only upon written documentation including but not limited to what is provided in the applicants' application, their performance evaluation and any actions and events during the rating period including but not limited to the following: attendance, disciplinary actions, service awards, commendations, etc.

The criteria used by the evaluation committee shall be determined and developed in advance of implementation by Human Resources and the Fire Chief and subject to agreement with a representative from Fire Mid-Management.

The decision of the committee shall be provided to each applicant in writing. The vote of the committee shall be in confidence. Members of the committee shall maintain confidentiality in respect to all committee processes including voting. No committee member shall disclose to any person outside the committee any discussion of the committee or information concerning the voting or process of the committee members.

The decision of the evaluation committee to grant or deny a PIB is final and binding, shall not be appealed, and is not subject to any grievance procedure. Any perceived technical errors regarding minimum qualifications for the bonus may be resubmitted for further review by the committee.

CITY OF LODI  
ADMINISTRATIVE POLICY AND PROCEDURE MANUAL

---

Attachment 2

SUBJECT: : VACATION LEAVE – *Policy*

DATE ISSUED: :

SECTION: : V

SECTION 1: PURPOSE

The purpose of this policy is to provide guidance in the implementation of vacation leave.

SECTION 2: ELIGIBILITY

Each probationary and regular full-time employee in the classified service earns vacation benefits in accordance with his/her length of continuous service and in accordance with the provisions of approved memorandum of understanding or management pay plan.

Provisional, temporary, part-time, seasonal, or emergency employees shall not accrue vacation.

SECTION 3: ACCRUAL

Vacation benefits are earned in accordance with an employee's appropriate memorandum of understanding or statement of benefits.

Employees earn full vacation leave credits for any pay period in which they are in a full pay status for the equivalent of one-half or more of their regularly scheduled work hours. Hours of vacation leave are credited at the approved rate in accordance with the terms of the appropriate memorandum of understanding.

The maximum amount of unused vacation hours that an employee may accrue, at any give time is twice the employee's annual vacation entitlement. Whenever an employee's unused, accrued vacation has reached this maximum accrual amount, the employee shall stop accruing any additional vacation. Accrual will automatically resume once the employee uses some vacation and the accrual balance falls below the maximum accrual amount.

Under extenuating circumstances, requests to accrue vacation leave over the maximum may be authorized by the City Manager. Requests must be; a) submitted in writing, b) include justification for the exception, and c) be recommended for approval by the Department Head. The City Manager has sole discretion to approve or deny such requests.

SECTION 4: SCHEDULING

Dates of vacation may be requested by the employee, but are subject to the approval of the Department Head. Approval of vacation leave is at the discretion of the Department Head given considerations such as departmental procedures for request and approval, workloads, scheduling, seniority, and in accordance with terms of the appropriate memorandum of understanding.

SECTION 5: UTILIZATION

After six (6) months of continuous service, an employee may request utilization of vacation leave.

Vacation leave may be taken in quarter hour increments. Employees are not permitted to take vacation leave in excess of their accumulated balance.

Employees on vacation leave shall be considered in full-pay status, and continue to accrue seniority, sick leave, and vacation leave credit.

SECTION 6: HOLIDAYS FALLING DURING VACATION

When a holiday or day observed in lieu of a holiday occurs on a day on which an employee is taking vacation such employee shall not be charged as using vacation for that day. The employee's compensation for that day shall be holiday and he/she shall not be paid or charged for vacation.

SECTION 7: ILLNESS OR ACCIDENT DURING VACATION

An illness or accident during a regularly approved and scheduled vacation period may be converted to sick leave when the following action is taken:

The employee, immediately upon return to duty, submits to his/her Department Head a written request for sick leave and, if requested, a written statement signed by the employee's attending physician certifying to the nature and dates of the employee's physical disability.

SECTION 8:

COMPENSATION FOR VACATION LEAVE UPON SEPARATION FROM SERVICE

An employee who leaves City employment shall be compensated at his/her current rate of pay for vacation accrued but not taken up to the date of termination.

Employees planning their resignation or retirement may request permission to take a terminal vacation to the limit of their accumulated vacation leave balances. Such planning involves the submission of a written request to the Department Head for approval.

SECTION 9:

CHARGEABLE ABSENCES TO VACATION LEAVE

Other than for the purposes of taking a vacation, an employee may elect to charge an approved leave of absence to vacation leave. Such absences are subject to approval from an employee's Department Head, and in accordance with the City of Lodi Administrative Policy and Procedure for Leave of Absence and the appropriate memorandum of understanding.



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Ratifying the San Joaquin Council of Governments' Annual Financial Plan for Fiscal Year 2004/05

**MEETING DATE:** June 2, 2004

**PREPARED BY:** Public Works Director

---

**RECOMMENDED ACTION:** That the City Council adopt a resolution ratifying the 2004/05 Annual Financial Plan (AFP) for the San Joaquin Council of Governments (COG).

**BACKGROUND INFORMATION:** Attached is a summary of COG's AFP for fiscal year 2004/05. The COG Board adopted the AFP on April 22, 2004. Pursuant to COG's Joint Powers Agreement, the budget is to be ratified by the City of Lodi following adoption by the COG Board.

Staff would like to acknowledge both the importance of the work COG performs and the significant and excellent assistance their staff provides in delivering transportation projects in the City and the entire County.

**FUNDING:** Not applicable.

---

Richard C. Prima, Jr.  
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager

RCP/TF/pmf

Attachment

cc: D. Stephen Schwabauer, Interim City Attorney  
Steve Dial, Director of Administration/Chief Financial Officer, COG

---

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager





SAN JOAQUIN COUNCIL OF GOVERNMENTS

555 E. Weber Avenue • Stockton, California 95202

209.468.3913 • 209.468.1084 (fax)

[www.sjco.org](http://www.sjco.org)

RECEIVED

MAY 13 2004



CITY OF LODI

April 29, 2004 PUBLIC WORKS DEPARTMENT

MAY 0 2004  
CITY MANAGER'S OFFICE

*Glorianne Rhodes*  
CHAIR

*Gary Giacometti*  
VICE CHAIR

*Julia E. Greene*  
EXECUTIVE DIRECTOR

*Member Agencies*

CITIES OF  
ESCALON,  
FAHRENHEIT,  
LODI,  
MANTENO,  
RIPON,  
STOCKTON,  
TRACY,  
AND  
THE COUNTY OF  
SAN JOAQUIN

Mr. Dixon Flynn  
City of Lodi  
P. O. Box 3006  
Lodi, CA 95241-1910

Dear Mr. Flynn:

Enclosed is a summary of the San Joaquin Council of Governments' Annual Financial Plan (AFP) for Fiscal Year 2004-2005. The Board unanimously adopted the Plan on April 22, 2004. A copy of the adopting resolution is enclosed. Pursuant to SJCOG's Joint Powers Agreement, following adoption of the budget by the SJCOG Board, it is to be delivered to member agencies for ratification by each governing body. Therefore, I request that you place SJCOG's Annual Financial Plan for Fiscal Year 2004-2005 on a forthcoming agenda prior to June 30, 2004 for your Council's approval.

The Annual Financial Plan implements the FY 2004-2005 Overall Work Program (OWP) which was also adopted in its final form by the SJCOG Board on April 22, 2004.

The enclosed summary identifies revenues and expenditures anticipated for the year including both operating and pass-through revenues and expenditures. Pass-through are funds over which SJCOG has fiduciary responsibility such as Transportation Development Act, TEA-21 and the majority of Measure K funds. The summary compares the FY 2004-2005 budget with the FY 2003-2004 amended budget and actual expenditures for FY 2002-2003.

The attached Annual Financial Plan provides a detail of expenditures by cost category and line item comparing the proposed budgets with the current year (FY 2003/04) amended budget and the actual expenditures for FY 2002/03. The following assumptions are incorporated in the budget:

1. Work will not begin and expenses will not be incurred unless anticipated revenues sources are secured.
2. We anticipate being fully staffed for the entire fiscal year, therefore the Salaries and Benefits cost category is fully funded. No additional staff is being requested.
3. Duplicating the process from previous years, \$102,500 is included in Salaries and Benefits for the pay for performance pool.

SJCOG operating revenues are down 9.8% or approximately \$460,000. The state's budget crisis is responsible for a good deal of the reduction. SJCOG should have received \$220,000 for planning and program management and \$167,000 for Commute Connection from the STIP. Freeway Service Patrol funding has been decreased by \$170,000.

In addition, funding for specific projects has run out with the completion of those projects. Specifically, the Department of Education funding for San Joaquin READS has been drawn down, the Sustainable Living PLACES grant has been partially expended, the State Highway Account, Welfare to Work grant has been expended and the Manteca-Lathrop Interchange Feasibility Study has been completed.

### **REVENUES**

In order to mitigate the impact, staff is proposing to draw down \$250,000 in carry-over Federal Highways planning funds. SJCOG will still have \$600,000 in unobligated reserve.

Transportation Development Act funding increases \$38,200 due to the increase in Local Transportation Fund and State Transit Assistance fund estimates. Measure K project management funding is held at the same level as the previous three years. The 1% Measure K administration funding increases \$33,000 based upon the increase in the annual revenue estimate.

### **EXPENDITURES**

Salaries and benefits are proposed to increase 8.6%. The primary increase come in the health care premium costs of 11%. A pay for performance pool is proposed at the same dollar amount as the last two years.

Services and supplies is proposed to be 16.1% less than the current year. Staff is taking a constrained look at all expenses in order to achieve enhanced cost effectiveness under the reduced revenue scenario.

- Office expenses is reduced 29%. Current year expenditures were elevated due to the move.
- Memberships is reduced 16.7%. Certain memberships will have to be forgone to achieve this budget constraint.
- Maintenance - Equipment is reduced 61.5%. Most equipment (computers, printers, etc.) is new either under warranty or requiring less maintenance.
- Rents and leases - Equipment - Increased 10.3% reflecting a full year of expenses of additional printer and copier leases entered into midway during current year.
- Transportation and Travel is maintained at the current level.
- Allocated service cost (the cost of certain services provided by the County of San Joaquin) is

*Mr. Dixon Flynn*

*April 29, 2004*

*Page 3*

- reduced 80% reflecting actual budget amounts from the County.
- Publications and legal notices reduced by 50% through more efficient structuring of legal notices and publications.
- Insurance is increased by 17.5% reflecting a full year of the additional premium expense related to the new building.
- Building and maintenance is reduced 10.9% based upon actual experience.
- Rent - structures and grounds is reduced 25.8% due to low interest rates keeping debt service low on the new building financing.

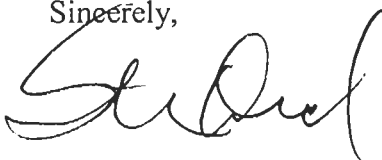
Professional services is reduced 30.8% reflecting the completion of various contracts.

Fixed assets is reduced by 49.8% reflecting lower capital expenditures.

SJCOG staff would be pleased to appear before your policymakers to answer any questions they might have regarding this matter. **We request ratification prior to June 30, 2004.** Please let me know when this will be on your agenda. If you have any questions regarding this matter, don't hesitate to contact me at 468-3913.

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Dial", with a stylized flourish at the end.

STEVE DIAL

Director of Administration/Chief Financial Officer

**San Joaquin Council of Governments**  
**ANNUAL FINANCIAL PLAN**  
**Fiscal Year 2004/05**  
Adopted April 22, 2004

	FY 2002-03	FY 2003-04	FY 2003-04	FY 2004-05	%
REVENUES	Actual	Adopted 4/24/03	Amended 4/22/04	Adopted 4/22/04	Change
Federal Grants	\$1,696,253	\$1,490,658	\$1,777,426	\$1,713,434	-3.6%
State Grants	\$721,942	\$1,154,745	\$1,052,502	\$574,369	-45.4%
Local	\$2,147,859	\$2,132,400	\$1,956,339	\$2,023,210	3.4%
Interest	\$48,242	\$40,000	\$40,000	\$40,000	0.0%
Other	\$0	\$0	\$0	\$0	0.0%
<b>SJCOG OPERATING REVENUES</b>	<b>\$4,614,296</b>	<b>\$4,817,803</b>	<b>\$4,826,267</b>	<b>\$4,351,013</b>	<b>-9.8%</b>
Federal Pass-Through	\$30,500,000	\$30,500,000	\$30,500,000	\$30,500,000	0.0%
State Pass-Through	\$1,139,756	\$1,063,642	\$1,157,012	\$1,200,000	3.6%
Local Pass-Through	\$53,003,000	\$57,759,500	\$58,250,000	\$62,546,000	6.9%
Commercial Paper	\$89,000,000	\$89,000,000	\$97,000,000	\$97,000,000	0.0%
<b>TOTAL SJCOG REVENUE</b>	<b>\$178,257,052</b>	<b>\$183,140,945</b>	<b>\$191,733,279</b>	<b>\$195,597,013</b>	<b>2.0%</b>
<b>EXPENDITURES</b>					
Salaries & Benefits	\$1,906,691	\$2,209,000	\$2,209,000	\$2,398,797	8.6%
Services & Supplies	\$662,192	\$1,129,000	\$1,129,000	\$947,000	-16.1%
Office Expense	\$175,027	\$260,000	\$260,000	\$184,500	-29.0%
Communications	\$40,777	\$40,000	\$40,000	\$40,000	0.0%
Memberships	\$27,637	\$30,000	\$30,000	\$25,000	-16.7%
Maintenance - Equipment	\$8,351	\$26,000	\$26,000	\$10,000	-61.5%
Rents & Leases - Equipment	\$114,789	\$145,000	\$145,000	\$160,000	10.3%
Transportation, Travel & Training	\$113,456	\$100,000	\$100,000	\$100,000	0.0%
Allocated Service Cost	\$40	\$10,000	\$10,000	\$2,000	-80.0%
Publications & Legal Notices	\$12,457	\$20,000	\$20,000	\$10,000	-50.0%
Insurance	\$40,778	\$60,000	\$60,000	\$70,500	17.5%
Building Maintenance	\$3,476	\$134,700	\$134,700	\$120,000	-10.9%
Rents - Structures & Grounds	\$125,404	\$303,300	\$303,300	\$225,000	-25.8%
Professional Services	\$1,376,430	\$1,379,300	\$1,379,300	\$954,700	-30.8%
Fixed Assets	\$64,249	\$100,500	\$100,500	\$50,500	-49.8%
Unallocated/Reserve	\$0	\$3	\$8,467	\$16	-99.8%
<b>SJCOG OPERATING EXPENDITURES</b>	<b>\$4,009,562</b>	<b>\$4,817,803</b>	<b>\$4,826,267</b>	<b>\$4,351,013</b>	<b>-9.8%</b>
Pass-Through	\$173,642,756	\$178,323,142	\$186,907,012	\$191,246,000	2.3%
<b>TOTAL SJCOG EXPENDITURES</b>	<b>\$178,257,052</b>	<b>\$183,140,945</b>	<b>\$191,733,279</b>	<b>\$195,597,013</b>	<b>2.0%</b>
Excess (Deficit) Revenues	\$604,734	\$0	\$0	(\$0)	(\$0)
Over Expenditures (Operating)					



**RESOLUTION  
SAN JOAQUIN COUNCIL OF GOVERNMENTS**

**R-04-32**

**RESOLUTION APPROVING THE ADOPTION OF THE 2004-05  
OVERALL WORK PROGRAM  
&  
ANNUAL FINANCIAL PLAN  
FOR THE SAN JOAQUIN COUNCIL OF GOVERNMENTS**

WHEREAS, annually the San Joaquin Council of Governments acting as the Metropolitan Planning Agency, and the Regional Transportation Planning Agency for San Joaquin County adopts an Overall Work Program, and

WHEREAS, that Overall Work Program identifies the funding sources that the agency will utilize in the coming year, and the work tasks and products that the agency will produce, and

WHEREAS, this Overall Work Program must be submitted to the required funding agencies for their review and approval, and

WHEREAS, the Council of Governments must assure that the planning tasks identified are in compliance with all State and Federal laws and regulations, and are coordinated with all effected agencies, and communities on a regional basis, and

WHEREAS, the San Joaquin Council of Governments is required by the Joint Powers Agreement to adopt a budget (Annual Financial Plan) annually, and

WHEREAS, the adopted budget is to be sent to the member agencies for ratification.

NOW THEREFORE BE IT RESOLVED that the San Joaquin Council of Governments adopts the attached 2004-2005 Overall Work Program and self-certifies the following:

The San Joaquin Council of Governments hereby certifies its planning process to be in accordance with all applicable requirements of the Federal government, as follows:

- I. 23 USC 134 and 135, 49 USC 5303 through 5306 and 5323(l);
- II. Sections 174 and 176 (c) and (d) of the Clean Air Act as amended (42 USC 7504, 7506 (c) and (d))
- III. Title VI of the of the Civil Rights Act of 1964 and the Title VI Assurance executed by California under 23 USC 324 and 29 USC 794;
- IV. Section 1101(b) of the Transportation Equity Act for the 21<sup>st</sup> Century (Pub. L. 105-178 112 Stat. 107) regarding the involvement of disadvantaged business enterprises in the FHWA and FTA funded projects (FR Vol. 64 No. 21, 49 CFR part 26); and
- V. The provision of the Americans with Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327 as amended) and the U.S. DOT implementing regulations (49 CFR 27, 37, and 38).

BE IT FURTHER RESOLVED, that the Executive Director of the San Joaquin Council of Governments be, and is hereby, authorized and empowered to execute in the name of the San Joaquin Council of Governments all necessary applications, contracts and agreements thereto implement and carry out the purposes specified in this Resolution, and

BE IT FURTHER RESOLVED, that the San Joaquin Council of Governments adopts the FY 2004-05 Annual Financial Plan and directs the Executive Director to transmit it to the member agencies for ratification.

PASSED AND ADOPTED this 22<sup>nd</sup> day of April 2004, by the following vote of the San Joaquin Council of Governments, to wit:

AYES: Mayor Bilbrey, City of Tracy; Councilman Giovanetti, City of Stockton; Councilman Harris, City of Manteca; Councilmember Howard, City of Lodi; Supervisor Mow, San Joaquin County; Councilman Restuccia, City of Ripon; Supervisor Sieglock, San Joaquin County; Mayor Rhodes, City of Lathrop

NOES: None

ABSENT: Councilman Haskin, City of Escalon; Mayor Podesto, City of Stockton



---

GLORYANNA RHODES  
Chair

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
RATIFYING THE SAN JOAQUIN COUNCIL OF  
GOVERNMENTS' (SJCOG) 2004-05 ANNUAL  
FINANCIAL PLAN

=====

WHEREAS, the San Joaquin Council of Governments (SJCOG) has approved its Fiscal Year 2004-05 Budget by adopting Resolution No. R-04-32 as shown on the attached, marked Exhibit A; and

WHEREAS, SJCOG is required to forward such Resolution to its member governments for their review and ratification.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby ratifies the 2004-05 Annual Financial Plan for SJCOG.

Dated: June 2, 2004

=====

I hereby certify that Resolution Nb. 2004-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held June 2, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_

**San Joaquin Council of Governments**  
**ANNUAL FINANCIAL PLAN**  
**Fiscal Year 2004/05**  
 Adopted April 22, 2004

EXHIBIT A

	FY 2002-03	FY 2003-04	FY 2003-04	FY 2004-05	%
REVENUES	Actual	Adopted 4/24/03	Amended 4/22/04	Adopted 4/22/04	Change
Federal Grants	\$1,696,253	\$1,490,658	\$1,777,426	\$1,713,434	-3.6%
State Grants	\$721,942	\$1,154,745	\$1,052,502	\$574,369	-45.4%
Local	\$2,147,859	\$2,132,400	\$1,956,339	\$2,023,210	3.4%
Interest	\$48,242	\$40,000	\$40,000	\$40,000	0.0%
Other	\$0	\$0	\$0	\$0	0.0%
<b>SJCOG OPERATING REVENUES</b>	<b>\$4,614,296</b>	<b>\$4,817,803</b>	<b>\$4,826,267</b>	<b>\$4,351,013</b>	<b>-9.8%</b>
Federal Pass-Through	\$30,500,000	\$30,500,000	\$30,500,000	\$30,500,000	0.0%
State Pass-Through	\$1,139,756	\$1,063,642	\$1,157,012	\$1,200,000	3.6%
Local Pass-Through	\$53,003,000	\$57,759,500	\$58,250,000	\$62,546,000	6.9%
Commercial Paper	\$89,000,000	\$89,000,000	\$97,000,000	\$97,000,000	0.0%
<b>TOTAL SJCOG REVENUE</b>	<b>\$178,257,052</b>	<b>\$183,140,945</b>	<b>\$191,733,279</b>	<b>\$195,597,013</b>	<b>2.0%</b>
<b>EXPENDITURES</b>					
Salaries & Benefits	\$1,906,691	\$2,209,000	\$2,209,000	\$2,398,797	8.6%
Services & Supplies	\$662,192	\$1,129,000	\$1,129,000	\$947,000	-16.1%
Office Expense	\$175,027	\$260,000	\$260,000	\$184,500	-29.0%
Communications	\$40,777	\$40,000	\$40,000	\$40,000	0.0%
Memberships	\$27,637	\$30,000	\$30,000	\$25,000	-16.7%
Maintenance - Equipment	\$8,351	\$26,000	\$26,000	\$10,000	-61.5%
Rents & Leases - Equipment	\$114,789	\$145,000	\$145,000	\$160,000	10.3%
Transportation, Travel & Training	\$113,456	\$100,000	\$100,000	\$100,000	0.0%
Allocated Service Cost	\$40	\$10,000	\$10,000	\$2,000	-80.0%
Publications & Legal Notices	\$12,457	\$20,000	\$20,000	\$10,000	-50.0%
Insurance	\$40,778	\$60,000	\$60,000	\$70,500	17.5%
Building Maintenance	\$3,476	\$134,700	\$134,700	\$120,000	-10.9%
Rents - Structures & Grounds	\$125,404	\$303,300	\$303,300	\$225,000	-25.8%
Professional Services	\$1,376,430	\$1,379,300	\$1,379,300	\$954,700	-30.8%
Fixed Assets	\$64,249	\$100,500	\$100,500	\$50,500	-49.8%
Unallocated/Reserve	\$0	\$3	\$8,467	\$16	-99.8%
<b>SJCOG OPERATING EXPENDITURES</b>	<b>\$4,009,562</b>	<b>\$4,817,803</b>	<b>\$4,826,267</b>	<b>\$4,351,013</b>	<b>-9.8%</b>
Pass-Through	\$173,642,756	\$178,323,142	\$186,907,012	\$191,246,000	2.3%
<b>TOTAL SJCOG EXPENDITURES</b>	<b>\$178,257,052</b>	<b>\$183,140,945</b>	<b>\$191,733,279</b>	<b>\$195,597,013</b>	<b>2.0%</b>
Excess (Deficit) Revenues	\$604,734	\$0	\$0	(\$0)	(\$0)
Over Expenditures (Operating)					





**RESOLUTION  
SAN JOAQUIN COUNCIL OF GOVERNMENTS**

**R-04-32**

**RESOLUTION APPROVING THE ADOPTION OF THE 2004-05  
OVERALL WORK PROGRAM  
&  
ANNUAL FINANCIAL PLAN  
FOR THE SAN JOAQUIN COUNCIL OF GOVERNMENTS**

WHEREAS, annually the San Joaquin Council of Governments acting as the Metropolitan Planning Agency, and the Regional Transportation Planning Agency for San Joaquin County adopts an Overall Work Program, and

WHEREAS, that Overall Work Program identifies the funding sources that the agency will utilize in the coming year, and the work tasks and products that the agency will produce, and

WHEREAS, this Overall Work Program must be submitted to the required funding agencies for their review and approval, and

WHEREAS, the Council of Governments must assure that the planning tasks identified are in compliance with all State and Federal laws and regulations, and are coordinated with all effected agencies, and communities on a regional basis, and

WHEREAS, the San Joaquin Council of Governments is required by the Joint Powers Agreement to adopt a budget (Annual Financial Plan) annually, and

WHEREAS, the adopted budget is to be sent to the member agencies for ratification.

NOW THEREFORE BE IT RESOLVED that the San Joaquin Council of Governments adopts the attached 2004-2005 Overall Work Program and self-certifies the following:

The San Joaquin Council of Governments hereby certifies its planning process to be in accordance with all applicable requirements of the Federal government, as follows:

- I. 23 USC 134 and 135, 49 USC 5303 through 5306 and 5323(l);
- II. Sections 174 and 176 (c) and (d) of the Clean Air Act as amended (42 USC 7504, 7506 (c) and (d))
- III. Title VI of the of the Civil Rights Act of 1964 and the Title VI Assurance executed by California under 23 USC 324 and 29 USC 794;
- IV. Section 1101(b) of the Transportation Equity Act for the 21<sup>st</sup> Century (Pub. L. 105-178 112 Stat. 107) regarding the involvement of disadvantaged business enterprises in the FHWA and FTA funded projects (FR Vol. 64 No. 21, 49 CFR part 26); and
- V. The provision of the Americans with Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327 as amended) and the U.S. DOT implementing regulations (49 CFR 27, 37, and 38).

BE IT FURTHER RESOLVED, that the Executive Director of the San Joaquin Council of Governments be, and is hereby, authorized and empowered to execute in the name of the San Joaquin Council of Governments all necessary applications, contracts and agreements thereto implement and carry out the purposes specified in this Resolution, and

BE IT FURTHER RESOLVED, that the San Joaquin Council of Governments adopts the FY 2004-05 Annual Financial Plan and directs the Executive Director to transmit it to the member agencies for ratification.

PASSED AND ADOPTED this 22<sup>nd</sup> day of April 2004, by the following vote of the San Joaquin Council of Governments, to wit:

AYES: Mayor Bilbrey, City of Tracy; Councilman Giovanetti, City of Stockton; Councilman Harris, City of Manteca; Councilmember Howard, City of Lodi; Supervisor Mow, San Joaquin County; Councilman Restuccia, City of Ripon; Supervisor Sieglock, San Joaquin County; Mayor Rhodes, City of Lathrop

NOES: None

ABSENT: Councilman Haskin, City of Escalon; Mayor Podesto, City of Stockton



---

GLORYANNA RHODES  
Chair



## CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Authorize Funds from the Protocol Account for the City Council to Host a Reception Honoring Citizen Volunteer Service and Retirements on Various Boards and Commissions (Approximately \$5,500 / \$20 per person)

**MEETING DATE:** June 2, 2004

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** That the City Council, pursuant to Resolution No. 2000-126, authorize funds from the Protocol Account and direct the City Clerk to coordinate the Council-hosted reception honoring citizen volunteer service and retirements on all City boards and commissions.

**BACKGROUND INFORMATION:** The City Clerk's Office traditionally coordinates an annual event hosted by the Lodi City Council to extend its appreciation to the members of this community who volunteer their time and talents toward serving as a member of a Council-appointed

board or commission. Over the years, with the incorporation of many additional volunteer groups in the community, this event has increased to a number now approaching 400 individuals. In addition to the boards and commissions members, the event now includes volunteers from the following groups and Council-appointed task forces:

- Animal Friends Connection
- Animal Shelter Task Force
- Animal Shelter Volunteers
- Boosters of Boys and Girls Sports
- Greenbelt Task Force
- Friends of Lodi Lake
- Friends of the Library
- Library Adult Literacy Services
- Library Foundation Board
- HSS Foundation
- HSS Vacuum Buddies
- Lodi Area All Veterans Plaza Foundation
- Lodi Arts Project Foundation
- Lodi Lake Docents
- Lodi Sports Foundation
- Police Chaplains
- Police Partners
- Storm Drain Detectives

It is estimated that the individuals comprising these boards, commissions, committees, task forces, etc., have volunteered well in excess of 45,000 hours during the past twelve months to assist the City and the Council in its efforts to conduct business, provide safety, and ensure recreational opportunities for members of this community, and are in great part responsible for "enhancing the quality of life for Lodi residents," which is the essence of the City's mission statement.

The proposed format for this year's event will be a reception at Hutchins Street Square ~ Kirst Hall. The event is tentatively scheduled for Thursday, August 26, 2004, from 6:00 to 8:30 p.m.

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

*Authorize Funds from the Protocol Account for the City Council to Host a Reception  
Honoring Citizen Volunteer Service and Retirements on Various Boards and Commissions  
(Approximately \$5,500 / \$20 per person)  
June 2, 2004  
Page Two*

History of costs related to this event:

2000	\$5,000
2001	\$5,500
2002	\$6,000
2003	\$5,900

Below is a cost estimate for the 2004 event:

Reception at Kirst Hall, Hutchins Street Square      **\$20 per person** x 275 =      **\$5,500**

Includes: Catering services, food, beverages, rentals, and decorations

**FUNDING:**                      \$5,500 from Protocol Account 100120

---

James R. Krueger, Finance Director

---

Susan J. Blackston  
City Clerk

SJB/jmp



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution appointing James R. Krueger as City of Lodi Treasurer

**MEETING DATE:** June 2, 2004

**PREPARED BY:** Deputy City Manager

---

**RECOMMENDED ACTION:** That the City Council adopt a Resolution appointing James "Jim" Krueger, Finance Director, to the position of Treasurer of the City of Lodi, at no compensation, effective June 2, 2004.

**BACKGROUND INFORMATION:** Every governmental agency which administers funds must have an officer who receives and handles such funds and thereby acts in the capacity of Treasurer. The duties of the City Treasurer are: to receive and safely keep all money coming into the treasury; to comply with all laws governing the depositing and securing of public funds; to pay money only on warrants signed by legally designated persons; and to submit a monthly written report and accounting of receipts, disbursements, and fund balances to the City Clerk and City Council. Historically, the Finance Director has been appointed to this position by the City Council.

On August 2, 1995, the Council appointed Vicky McAthie to the position of Treasurer of the City of Lodi. Ms. McAthie recently retired from service with the City of Lodi, and it is therefore appropriate to appoint Mr. Krueger, the new Finance Director, as Treasurer for the City of Lodi.

**FUNDING:** None

---

Janet S. Keeter  
Deputy City Manager

JSK/sl

---

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
APPOINTING JAMES R. KRUEGER TO THE  
POSITION OF TREASURER OF THE CITY OF LODI

=====

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby appoints James R. Krueger to the position of Treasurer of the City of Lodi, at no compensation, effective June 2, 2004.

Dated: June 2, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held June 2, 2004 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Approving Application for Wastewater Infrastructure EPA Grant and Authorize City Manager to Execute Appropriate Documents

**MEETING DATE:** June 2, 2004

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council adopt a resolution approving the application for a Wastewater Infrastructure EPA grant and authorize the City Manager to execute the appropriate documents.

**BACKGROUND INFORMATION:** The City has received formal notification of a grant for “wastewater infrastructure improvements” resulting from last year’s “One-Voice” trip to Washington, DC. The attached letter describes the amount (\$385,700), matching requirements (45%) and the process to obtain the funding.

Staff has made contact with the EPA Project Officer and discussed options for utilizing these funds and the June 15, 2004 deadline mentioned in the letter. The deadline only pertains to our ability to obtain the funding in FY 04/05. We have three years to use the funds, so we could wait until a subsequent fiscal year. The original submission pertained to improvements at the White Slough Water Pollution Control Facility, however, the language in the authorizing legislation is more general – “wastewater infrastructure improvements”.

Given that the Phase 2 project – which includes UV disinfection mentioned in our earlier application – is already under construction, this work is not eligible for federal funds. The Phase 3 improvement project (which includes a treatment wetland, also described in the application) is still two or more years away.

Staff is recommending that the City take advantage of the flexibility of the grant and utilize the funds for another wastewater project. Note that any project selected will need to meet Federal National Environmental Policy Act (NEPA) requirements. We considered using the funds for acquisition of standby power generators for the White Slough Facility, which is in the design phase and is planned to be accomplished as part of the Phase 2 project. However, in discussing this with our Project Officer and making note of NEPA and ongoing monitoring requirements associated with equipment purchases, we are recommending a wastewater pipe rehabilitation project. As noted by our Project Officer, rehabilitation of pipelines using “in-situ” methods, which includes slip-lining and other types of in-place rehab methods we are using in our wastewater infrastructure replacement program, is subject to minimal NEPA review.

Staff recommends that we submit a wastewater-only rehabilitation project consisting of rehabilitation of older sewers located in streets and alleys that do not involve water main replacements, primarily in the greater downtown area.

**FUNDING:** Not applicable.

\_\_\_\_\_  
Richard C. Prima, Jr.  
Public Works Director

RCP/pmf  
Attachment  
cc: Wally Sandelin, City Engineer

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105

RECEIVED

APR 22 2004

APR 22 2004

APR 22 2004

Mr. Richard Prima, Director  
Public Works Department  
City of Lodi  
P.O. Box 3006  
Lodi, CA 95241

R-9 Tracking # 04-303

Dear Mr. Prima:

We are pleased to inform you that the FY 2004 United States Environmental Protection Agency (EPA) Appropriation included funding for wastewater infrastructure improvements. Congress instructed EPA to reduce each Appropriations Grant by 3% to cover the administrative cost of managing this grant. The grant amount was further reduced by a Congressionally mandated across the board cut to the EPA budget. The final amount of funding available to the City of Lodi is \$385,700. Matching funds of \$315,573 or 45% of the total project costs are required according to the Appropriations Act which authorizes this project. The Catalog of Federal Domestic Assistance (CFDA) Number is 66.606 and the grant will be awarded under the Appropriations Act of 2004.

In order for EPA to award this grant by September 30, 2004, the original and one copy of your final application and approvable workplan/program objectives should be submitted to EPA no later than June 15, 2004 addressed to:

Grants Management Office (PMD-7)  
Policy and Management Division  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105-3901

The application kit with complete instructions for completing all of the necessary forms may be found at the following website location:  
<http://www.epa.gov/region09/funding/applying.html> (Click on Regular Award). Please be sure to include the R9 Tracking # referenced above on your application 424 fact sheet. If you have any questions regarding the kit, forms, or instructions, please contact your EPA Grants Management Specialist, Veronica Adams at (415) 972-3677.



The workplan is part of a complete application and must include the following information:

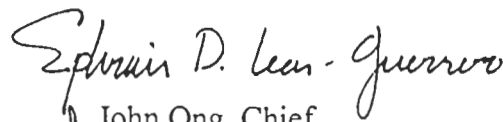
- Background
- Project Goals/Objectives
- Deliverables/Work products to be completed and a timeline for completion. The deliverables must be measurable.
- Incremental steps to accomplish the work products (tasks)
- Breakdown of the costs associated with the work products and tasks
- A statement explaining the source of the required matching funds; i.e., whether the match will be provided by the applicant and/or other sources, and how much from each source
- Measures used to evaluate the success of the work products
- The expected environmental benefits and how you will determine if the project has successfully achieved the expected benefits.

Suzanne Marr of the Nonpoint Source Office, has been assigned as EPA Project Officer for this grant. The EPA Project Officer serves as EPA's technical manager and liaison with the recipient's Project Manager on all matters relating to project performance, serves as EPA's source of programmatic oversight, and provides technical assistance as needed. If you have any questions regarding the workplan requirements, please contact the Project Officer at (415) 972-3468.

Please obtain a copy of the Code of Federal Regulations (CFR), Title 40, Part 1-49. Copies of the CFR are available at local U.S. Government Bookstores or by calling the U.S. Government Printing Office at (202) 512-1800 to order a copy. You may also access specific EPA regulations and the OMB Circulars through the Internet at <http://www.epa.gov/ogd/>

We look forward to working with you. If you have any questions or comments or if we may be of assistance to you as you draft your workplan, please contact Suzanne Marr of my staff at 415-972- 3468.

Sincerely,

  
John Ong, Chief  
Nonpoint Source Office

cc: Grants, PMD-7  
Joe Jung, WTR-1

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING APPLICATION FOR WASTEWATER  
INFRASTRUCTURE EPA GRANT AND FURTHER  
AUTHORIZING THE CITY MANAGER TO EXECUTE  
APPROPRIATE DOCUMENTS

=====

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby approve the application for Wastewater Infrastructure EPA Grant in the amount of \$385,700.00, with a matching requirement of 45%; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute all appropriate documents relating to the grant application.

Dated: June 2, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held June 2, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

Comments by the public on non-agenda items

**THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.**

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Continue public hearing to July 21, 2004, to consider an appeal received from Key Advertising, Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign and a Variance to double the maximum allowable sign area from 480 square feet to 960 square feet to be located at 1251 South Beckman Road

**MEETING DATE:** June 2, 2004

**PREPARED BY:** Community Development Director

---

**RECOMMENDED ACTION:** That the City Council continue until July 21, 2004, the request of Key Advertising, Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign and a Variance to double the maximum allowable sign area from 480 square feet to 960 square feet to be located at 1251 South Beckman Road.

**BACKGROUND INFORMATION:** At the City Council meeting on April 21, 2004, the City Council continued this matter in order to prepare a Development Agreement to accommodate the appellant's request. A draft of the Development Agreement was submitted to the City by the appellant's counsel on May 5, 2004. The Community Development Director and City Attorney have reviewed the document and are working with Key Advertising on changes to provide an agreement that will meet Council expectations.

It is expected that this process may take an additional six weeks. Therefore, we are recommending a continuance of this appeal request until July 21, 2004.

**FUNDING:** None

---

Konradt Bartlam  
Community Development Director

KB/lw

cc: City Attorney

---

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

# NOTICE OF RE-CONTINUED PUBLIC HEARING

## CITY COUNCIL

## CITY OF LODI

NOTICE IS HEREBY GIVEN that the April 7, 2004 public hearing of the City Council of the City of Lodi to consider an appeal received from Key Advertising, Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign and a Variance to double the maximum allowable sign area from 480 square feet to 960 square feet to be located at 1251 South Beckman Road was continued to April 21, 2004 and has been **re-continued to June 2, 2004 at the hour of 7:00 p.m.** in the Council Chamber, Carnegie Forum, 305 W. Pine Street, Lodi, California.

Posted April 22, 2004



SUSAN J. BLACKSTON  
CITY CLERK  
Of the City of Lodi



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Appointments to the East Side Improvement Committee

**MEETING DATE:** June 2, 2004

**PREPARED BY:** City Clerk

---

**RECOMMENDED ACTION:** That Council, by motion action, concur with the Mayor's recommended appointments to the East Side Improvement Committee.

**BACKGROUND INFORMATION:** As indicated below, the City Clerk's office was directed to post for the vacancies on the East Side Improvement Committee. It is recommended that the City Council concur with the following appointments.

**East Side Improvement Committee**

Ed Beswick	Term to expire March 1, 2005 ( <i>posting of vacancy ordered 4/21/04</i> )
Fran Forkas	Term to expire March 1, 2006 ( <i>posting of vacancy ordered 4/21/04</i> )

*NOTE: Five applicants (four new applications and one on file);  
published in Lodi News-Sentinel 4/24/04 & 5/1/04;  
application deadline 5/5/04*

**FUNDING:** None required.

---

Susan J. Blackston  
City Clerk

SJB/JMP

---

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Urgency Ordinance Repealing and Reenacting LMC §13.04.130 and Establishing Low Income Discounts for Water, Sewer and Refuse Services and Adopt Resolution Establishing Discounts

**MEETING DATE:** June 2, 2004

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council adopt an urgency ordinance repealing and reenacting LMC §13.04.130 establishing low income discounts for water, sewer and refuse services and adopt a resolution establishing discounts.

**BACKGROUND INFORMATION:** In discussion on water and wastewater rates, the subject of providing a meaningful discount for low income residents was brought up. Staff is recommending a change in the City's current discount program as described below.

Currently, the Lodi Municipal Code contains the following section:

### **13.04.130 Low income adjustments.**

The rates for residential water, sewer and refuse collection service as they now exist or may hereafter be modified under this chapter, shall be reduced by ten percent (exclusive of surcharges, if any) for those residential accounts in the names of person otherwise eligible for Supplemental Security Income (SSI), or State Supplement Payments (SSP), as determined by the Social Security Administration, which shall have sole discretion in determining such eligibility. Proof of eligibility may be required by the city to qualify for the rate adjustments provided herein. (Ord. 1445 § 1, 1989)

In addition, the City has various electric and refuse programs, as summarized on Exhibit A. Note that the refuse discount was actually far greater than 10% due to the way past rate increases were handled; however, the rates adopted on April 27, 2004, eliminated that separate rate category. Customers in that rate category are being given the SSI/SSP 10% discount.

There are about 1,300 customers receiving electric discounts, almost 900 receiving refuse discounts and about 300 receiving water/wastewater discounts. The actual number of customers on these discount programs varies due to both different eligibility criteria and the fact that not all customers pay each of these bills. For example, a landlord might pay water and sewer and the tenant pays refuse and electric.

This recommendation is based on the fundamental concept that the City should have one set of eligibility criteria for its discount programs, although the amount of the discount may vary among the utilities; and, they would be set by resolution. This will allow one administrative process for approval rather than two or three.

The text of the proposed ordinance is as follows:

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

### **13.04.130 Low income adjustments.**

The rates for residential water, sewer and refuse collection service as they now exist or may hereafter be modified under this chapter, shall be reduced as established by resolution for those residential accounts in the names of persons meeting the eligibility criteria for applicable electric service discounts as provided in this Title. Proof of eligibility may be required by the city to qualify for the rate adjustments provided herein.

Staff suggests that the Council consider adopting ordinance as an urgency measure so that the discounts can be effective as soon as possible since the increased rates adopted on April 27, 2004, are now in effect. This will be much better for the public and certainly save staff time and expense in either responding to questions or processing refunds should the Council direct that refunds be given.

A draft of the implementing resolution is attached, with the recommended discounts. The annual cost to the utilities, making various assumptions as to how many customers will seek the discounts is shown below.

#### Assumptions

- 95% of existing SHARE program customers would receive the discounts. This accounts for residential units in which the landlord pays the utility bill. No change is proposed to the eligibility criteria, so we have not assumed an increase in the number of SHARE customers.
- 100% of existing Senior/Fixed Income program customers will receive the discounts.
- Same mix of billing classifications as current customers.
- The discount percentages as recommended:

	<u>SHARE</u>	<u>Sr./Fixed Income</u>
Refuse	30%	10%
Water	20%	10%
Wastewater	20%	10%

#### Costs (Revenue Loss)

- "Cost" shown below is total less estimated cost of existing program (annual)

	<u>SHARE</u>	<u>Sr./Fixed Income</u>
Refuse	\$ 7,930	\$ 2,800
Water	\$ 60,300	\$ 3,300
Wastewater	\$ 46,700	\$ 2,500

- The total cost to other ratepayers varies, but is on the order of 8 to 27 cents per month.

Staff also notes that Central Valley Waste Services has reviewed the proposed discounts and has sent a letter stating their concurrence (see attached).

The issue of ongoing verification of eligibility will be addressed by staff once the Council provides direction on the overall program.

**FUNDING:** Administration costs would be borne by the Electric, Water and Wastewater funds and revenue loss would occur in each of the four revenue funds.

---

Richard C. Prima, Jr.  
Public Works Director

RCP/pmf  
Attachments  
cc: Alan Vallow, Electric Utility Director  
Jim Krueger, Finance Director



## **Exhibit A**

### **Refuse Rate Reduction Program**

Residential customers may apply for a reduction in their rate due to personal economic hardship. The rate reduction is actually a set rate depending on the size of the cart. 20-gallon carts are currently at a rate of \$8.24 and the 38-gallon cart at \$10.30. The criteria for this program is proof of income that meets the following guidelines:

One person in household      \$12,000/year

Each additional person add    \$2,000/year

Once application is approved there is no follow-up procedure to verify continued eligibility.

### **SHARE Program**

This program allows residential customers to apply for a discount of 20% on their monthly utility bill. The criteria for this program is proof of income that meets the following guidelines:

<u>Number of Persons in Household</u>	<u>Maximum Annual Household Income</u>
1-2	\$22,000
3	\$25,900
4	\$31,100
Each additional member	\$5,200

Once the application is approved, it is up to the applicant to notify the Finance Department within 30 days of becoming ineligible for the program.

### **SSI & SSP Recipient Discount Program**

If a resident receives SSI or SSP, they may be eligible for a 10% discount on Water, Sewer and Refuse rates. Once the application is filled out, the Finance Department will send the form to the Social Security Administration to verify eligibility. Once approved, there is no follow-up procedure to verify continued eligibility.

### **Senior Fixed Income Program**

This program allows for residential customers over the age of 62 with a maximum household income of \$45,000 to apply for a 5% discount on their monthly electric bill.

## SHARE Program Discounts

Utility	# of Customers w/discount	Old Rates	Old Discount Rate	Total Annual Revenue Loss	New rates (May 2004)	Proposed Discount	Proposed Discounted Rate	Estimated # of Eligible Customers	Est. Revenue Loss w/ New Discount Shown	Net Increase in Revenue Loss	Total Utility Revenue, Old		Approximate Amount on New Rate
											Total % Loss, New Total %	Loss	
<b>Refuse</b>													
(38 gallon)	580	\$19.12	\$10.30	\$61,387.20	\$19.64	30%	\$13.75	918	\$64,906.27		\$	7,021,800	\$0.23
(20 gallon)	<u>233</u>	\$13.01	\$8.24	<u>\$13,336.92</u>	\$13.36	30%	\$9.35	369	<u>\$17,747.42</u>			1.1%	\$0.16
	813			Subtotal: \$74,724.12				Subtotal:	\$82,653.70	\$7,929.58		1.2%	
<b>Water</b>													
				10% (not incl. infrastructure repl. chg.)			20% (on total charge)						
apartment, 1 bedroom	78	\$11.60	\$10.86	\$694.51	\$15.66		\$12.53	338	\$12,703.39				\$0.13
apartment, 2 bedroom	48	\$13.91	\$13.02	\$512.64	\$18.78		\$15.02	208	\$9,374.98				\$0.16
apartment, 3 bedroom	2	\$16.69	\$15.62	\$25.63	\$22.53		\$18.02	9	\$486.65				\$0.19
house, 1 bedroom	22	\$13.51	\$12.65	\$228.36	\$18.24		\$14.59	95	\$4,158.72				\$0.15
house, 2 bedroom	75	\$16.22	\$15.18	\$934.20	\$21.90		\$17.52	325	\$17,082.00	Old:	\$5,682,845		\$0.18
house, 3 bedroom	66	\$19.45	\$18.21	\$986.04	\$26.26		\$21.01	286	\$18,024.86		0.1%		\$0.22
house, 4 bedroom	<u>6</u>	\$23.36	\$21.87	<u>\$107.64</u>	\$31.54		\$25.23	26	<u>\$1,968.10</u>	New:	\$7,663,316		\$0.26
	297			Subtotal: \$3,489.02				Subtotal:	\$63,798.70	\$60,309.67		0.8%	
<b>Wastewater</b>													
				10% (not incl. infrastructure repl. chg.)			20% (on total charge)						
house, 1 bedroom	100	\$9.73	\$9.20	\$640.80	\$12.16		\$9.73	433	\$12,636.67				\$0.08
house, 2 bedroom	123	\$12.97	\$12.26	\$1,050.91	\$16.21		\$12.97	533	\$20,735.83	Old:	\$6,079,083		\$0.10
house, 3 bedroom	68	\$16.21	\$15.32	\$726.24	\$20.27		\$16.22	295	\$14,351.16		0.0%		\$0.13
house, 4 bedroom	<u>6</u>	\$19.46	\$17.93	\$110.02	\$24.32		\$19.46	26	<u>\$1,517.57</u>	New:	\$7,615,375		\$0.16
	297			Subtotal: \$2,527.97				Subtotal:	\$49,241.23	\$46,713.26		0.6%	

### Notes:

\*Out of the 1355 Electric(SHARE Program) discounts, 209 also have water discounts and 211 have wastewater discounts

Assuming all but 5% of existing SHARE Customers will receive discount

1355      95%      1287

## Senior/Fixed Income Program Discounts

<u>Utility</u>	<u># of Customers w/discount*</u>	<u>Old Rates</u>	<u>Old</u>	<u>Total</u>	<u>New rates (May 2004)</u>	<u>Proposed Discount</u>	<u>Proposed</u>	<u>Estimated # of Eligible Customers</u>	<u>Est. Revenue</u>	<u>Net Increase in Revenue Loss</u>	<u>Total Utility Revenue, Old</u>	<u>Approximate Amount on New Rate</u>
			<u>Discount Rate</u>	<u>Annual Revenue Loss</u>			<u>Discounted Rate</u>		<u>Loss w/ New Discount Shown</u>		<u>Total % Loss, New Total % Loss</u>	
<b>Refuse</b>												
(38 gallon)	0	\$19.12	\$10.30	\$0.00	\$19.64	10%	\$17.68	93	\$2,191.82		\$ 7,021,800	\$0.01
(20 gallon)	0	\$13.01	\$8.24	\$0.00	\$13.36	10%	\$12.02	37	\$593.18		0.0%	\$0.01
	0		Subtotal:	\$0.00				Subtotal:	\$2,785.01	\$2,785.01	0.0%	
<b>Water</b>												
				0% (not incl. infrastructure repl. chg.)			10% (on total charge)					
apartment, 1 bedroom	0	\$11.60	\$11.60	\$0.00	\$15.66		\$14.09	34	\$638.93			\$0.01
apartment, 2 bedroom	0	\$13.91	\$13.91	\$0.00	\$18.78		\$16.90	21	\$473.26			\$0.01
apartment, 3 bedroom	0	\$16.69	\$16.69	\$0.00	\$22.53		\$20.28	1	\$27.04			\$0.01
house, 1 bedroom	0	\$13.51	\$13.51	\$0.00	\$18.24		\$16.42	10	\$218.88			\$0.01
house, 2 bedroom	0	\$16.22	\$16.22	\$0.00	\$21.90		\$19.71	33	\$867.24	Old:	\$5,682,845	\$0.01
house, 3 bedroom	0	\$19.45	\$19.45	\$0.00	\$26.26		\$23.63	29	\$913.85		0.0%	\$0.01
house, 4 bedroom	0	\$23.36	\$23.36	\$0.00	\$31.54		\$28.39	3	\$113.54	New:	\$7,663,316	\$0.01
	0		Subtotal:	\$0.00				Subtotal:	\$3,252.73	\$3,252.73	0.0%	
<b>Wastewater</b>												
				0% (not incl. infrastructure repl. chg.)			10% (on total charge)					
house, 1 bedroom	0	\$9.73	\$9.73	\$0.00	\$12.16		\$10.94	44	\$642.05			\$0.00
house, 2 bedroom	0	\$12.97	\$12.97	\$0.00	\$16.21		\$14.59	54	\$1,050.41	Old:	\$6,079,083	\$0.01
house, 3 bedroom	0	\$16.21	\$16.21	\$0.00	\$20.27		\$18.24	30	\$729.72		0.0%	\$0.01
house, 4 bedroom	0	\$19.46	\$19.46	\$0.00	\$24.32		\$21.89	3	\$87.55	New:	\$7,615,375	\$0.01
	0		Subtotal:	\$0.00				Subtotal:	\$2,509.73	\$2,509.73	0.0%	

### Notes:

\*130 existing Electric Sr./Fixed Income customers; proposed new program for these utilities.

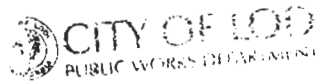
Assuming all existing electric Sr/Fixed income customers will receive discount

130      100%      130



RECEIVED

MAY 17 2004



May 14, 2004

Item I-3

**Central Valley Waste Services, Inc.**

A WASTE MANAGEMENT COMPANY

1333 E. Turner Road

P.O. Box 241001

Lodi, California 95241-9501

(209) 369-8274

(209) 369-6894 Fax

Mr. Richard C. Prima, Jr.  
Public Works Director  
City of Lodi – Public Works Department  
221 West Pine Street  
Post Office Box 3006  
Lodi, CA 95241-1910

Re: Utility Discounts

Dear Mr. Prima

Thank you for the information and discussion regarding Staff's proposal to the Lodi City Council on the Utility Discounts.

Central Valley Waste Services supports Staff's proposal regarding the 30% Share Program Discount and the 10% Senior/Fixed Income Program Discount.

If you have questions please call me at (209) 333-5611.

Sincerely

Luana A. Pinasco

*District Manager*

Central Valley Waste Services

cc.: Mr. Alex Oseguera, Sacramento Market Area Manager/WM

ORDINANCE NO. \_\_\_\_\_

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LODI AMENDING CHAPTER 13.04 OF THE LODI MUNICIPAL CODE BY  
REPEALING AND REENACTING SECTION 13.04.130, RELATING TO  
LOW-INCOME ADJUSTMENTS

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Chapter 13.04 – “Service Generally” - is hereby amended by repealing and reenacting §13.04.130, relating to low-income adjustments to read as follows:

**13.04.130 Low Income Adjustments.**

The rates for residential water, sewer, and refuse collection service as they now exist or may hereafter be modified under this chapter, shall be reduced as established by resolution for those residential accounts in the names of persons meeting the eligibility criteria for applicable electric service discounts as provided in this Title. Proof of eligibility may be required by the city to qualify for the rate adjustments provided herein.

SECTION 2. This ordinance is adopted as an urgency ordinance under Government Code §36934 based on health, safety, and welfare considerations arising from: (1) the City of Lodi’s consideration of increased utility rates if adopted take effect prior to the City’s ability to institute the low-income discounts considered herein; (2) If the increases are adopted prior to institution of the discounts, Lodi’s low-income community may suffer financial hardship or inability to afford critical health and sanitary services.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 4. This ordinance shall be published one time in the “Lodi News-Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately after its passage and approval.

Approved this 2<sup>nd</sup> day of June, 2004

\_\_\_\_\_  
LARRY D. HANSEN  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk

=====

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_ was adopted as an urgency ordinance at a regular meeting of the City Council of the City of Lodi held June 2, 2004, and was thereafter passed, adopted, and ordered to print by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

I further certify that Ordinance No. \_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
Interim City Attorney

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
ESTABLISHING LOW-INCOME DISCOUNTS FOR  
WATER, SEWER, AND REFUSE SERVICES

=====

WHEREAS, with the implementation of new rates adopted April 27, 2004, to be effective May 3, 2004, the Lodi City Council has amended Lodi Municipal Code Chapter 13.04, §13.04.130, "Low Income Adjustments," by adopting an urgency ordinance at its June 2, 2004 City Council meeting; and

WHEREAS, the City Council now desires to adopt a resolution establishing discounts for eligible low-income residents.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve and establish low-income discounts for water, sewer, and refuse services as shown below:

For Residential Customers who qualify for the Electric SHARE Program discount:

Water	20%	Discount on the Residential Flat Rate
Wastewater	20%	Discount on the Residential Flat Rate for Disposal to the Domestic System
Refuse	30%	Discount for Cart Service Categories 1, 2, 3, 4, and 5

OR,

For Residential Customers who qualify for the Electric Senior/Fixed-Income discount:

Water	10%	Discount on the Residential Flat Rate
Wastewater	10%	Discount on the Residential Flat Rate for Disposal to the Domestic System
Refuse	10%	Discount for Cart Service Categories 1, 2, 3, 4, and 5

Dated: June 2, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi at its regular meeting held June 2, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk

2004-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution approving retention of Folger, Levin & Kahn as Outside Counsel and approving waiving the joint representation conflict

**MEETING DATE:** June 2, 2004

**PREPARED BY:** Interim City Attorney

---

**RECOMMENDED ACTION:** That the City Council adopt a Resolution approving the retention of Folger, Levin & Kahn as Outside Counsel for the Environmental Abatement Program litigation, and further approve the waiving of the joint representation conflict.

**BACKGROUND INFORMATION:** Following a lengthy proposal process, we are now in the position to formalize the hiring of the law firm of Folger, Levin & Kahn to act as Outside Counsel to litigate the complex environmental lawsuits in which the City of Lodi is involved relating to the soil and water contamination.

Also before you this evening as a matter of law, it is necessary that the City Council acknowledge that a joint representation conflict exists in hiring the law firm of Folger, Levin & Kahn. The City Council if it so desires can approve the waiving of the joint representation conflict. By doing so, you acknowledge

**FUNDING:** Water Fund

---

D. Stephen Schwabauer  
Interim City Attorney

---

James R. Krueger, Finance Director

DSS/pn

---

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager



RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
APPROVING THE RETENTION OF FOLGER LEVIN &  
KAHN AS OUTSIDE COUNSEL RELATING TO THE  
ENVIRONMENTAL ABATEMENT LITIGATION, AND  
FURTHER APPROVES WAIVING THE JOINT  
REPRESENTATION CONFLICT

=====

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council hereby authorizes the retention of the law firm of Folger, Levin & Kahn to serve as outside counsel for the Environmental Abatement Program litigation; and

BE IT FURTHER RESOLVED that the Lodi City Council does hereby approve waiving the joint representation conflict.

Dated: June 2, 2004

=====

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held June 2, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Resolution Calling and Giving Notice of the Holding of a General Municipal Election to be Held in the City on Tuesday, November 2, 2004, for the Election of Certain Officers of the City as Required by the Provisions of the Laws of the State of California Relating to General Law Cities

**MEETING DATE:** June 2, 2004

**PREPARED BY:** City Clerk

---

**RECOMMENDED ACTION:** That the City Council adopt a resolution calling and giving notice of the holding of a General Municipal Election to be held in the City on Tuesday, November 2, 2004, for the election of certain officers of the City as required by the provisions of the laws of the State of California relating to general law cities.

**BACKGROUND INFORMATION:** The 2004 General Municipal Election for two Council seats will be held Tuesday, November 2, 2004. The terms of Council Members Howard and Land are expiring. By state statute a number of actions and decisions must be made by the Council prior to the opening of nominations.

It will be necessary for the City Council to adopt a resolution calling and giving notice of the holding of a General Municipal Election in the City of Lodi on November 2, 2004.

On October 19, 1988, the City Council adopted Ordinance No. 1438 consolidating Municipal Elections with state-wide General Elections. This Ordinance was approved by the San Joaquin County Board of Supervisors on February 7, 1989.

**FUNDING:** None required.

Susan J. Blackston  
City Clerk

SJB/jmp

Attachment

---

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 2, 2004, FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

---

WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, a General Municipal Election shall be held on Tuesday, November 2, 2004, for the election of municipal officers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That, pursuant to the requirements of the laws of the State of California relating to General Law Cities within said State, there is called and ordered to be held in the City of Lodi, California, on Tuesday, November 2, 2004, a General Municipal Election for the purpose of electing the qualified two (2) members of the City Council of said City for the full term of four years.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk of the City of Lodi is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct said election.

SECTION 4. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in §14401 of the Elections Code of the State of California.

SECTION 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: June 2, 2004

---

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 2, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

Susan J. Blackston  
City Clerk



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Approve Entering into Contract with County of San Joaquin for the County Registrar of Voters to Provide Certain Services for the November 2, 2004, General Municipal Election

**MEETING DATE:** June 2, 2004

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** That the City Council adopt a resolution approving the City entering into a contract with the County of San Joaquin for the County Registrar of Voters to provide certain services for the November 2, 2004, General Municipal Election.

**BACKGROUND INFORMATION:** The City Council on October 19, 1988, adopted Ordinance No. 1438 entitled, "An Ordinance of the Lodi City Council Consolidating Municipal Elections with State-wide General Elections." This Ordinance was adopted pursuant to §36503.5 of the State of California Government Code. Ordinance No. 1438 was approved by the San Joaquin County Board of Supervisors on February 7, 1989.

It is necessary for the City of Lodi to enter into an agreement with the County of San Joaquin to provide certain services in the conduct of the November 2, 2004, General Municipal Election. The City will reimburse the county for these services when the work is completed and upon presentation to the City of a properly approved bill.

**FUNDING:** Election Account ***Preliminary estimate*** \$109,750\*  
100102 *\*Note: Does NOT include \$10,400 cost for candidates' statements*

James R. Krueger, Finance Director

Susan J. Blackston  
City Clerk

SJB/jmp

Attachment

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 2, 2004

---

WHEREAS, a General Municipal Election is to be held in the City of Lodi, California, on November 2, 2004; and

WHEREAS, in the course of conduct of the election, it is necessary for the City to request services of the County; and

WHEREAS, all necessary expenses in performing these services shall be paid by the City of Lodi.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That, pursuant to the provisions of §10002 of the Elections Code of the State of California, this City Council requests the San Joaquin County Board of Supervisors to permit the County Registrar of Voters' office to prepare and furnish to the City of Lodi all materials, equipment, and services as agreed upon by the County Registrar of Voters and the City Clerk for the conduct of the November 2, 2004, General Municipal Election.

SECTION 2. That the City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

SECTION 3. That the City Clerk is directed to forward without delay to the Board of Supervisors and the County Registrar of Voters' offices a certified copy of this resolution.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: June 2, 2004

---

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the Lodi City Council in a regular meeting held June 2, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

Susan J. Blackston  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** City Council Policy Regarding Impartial Analyses, Arguments, and Rebuttal Arguments for any Measure(s) Brought before the Voters at the November 2, 2004, General Municipal Election

**MEETING DATE:** June 2, 2004

**PREPARED BY:** City Clerk

---

**RECOMMENDED ACTION:** That the City Council adopt a resolution regarding impartial analyses, arguments, and rebuttal arguments for any measure(s) that may qualify to be placed on the ballot for the November 2, 2004, General Municipal Election.

**BACKGROUND INFORMATION:** The State of California Elections Code sets forth that whenever any city measure(s) qualifies for a place on the ballot, the governing body may direct the city elections official to transmit a copy of the measure(s) to the City Attorney for preparation of an impartial analysis. The Elections Code further sets forth the process for receiving arguments for and against the measure(s) and for the submittal of rebuttal arguments.

The City Council is hereby requested to adopt a resolution regarding impartial analyses, arguments for and against any measure(s), and for the submittal of rebuttal arguments as set forth in the State of California Elections Code for any measure(s) that may qualify to be placed on the ballot for the November 2, 2004, General Municipal Election.

**FUNDING:** None required.

Susan J. Blackston  
City Clerk

SJB/jmp

Attachment

---

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,  
SETTING FORTH THE COUNCIL'S POLICY REGARDING IMPARTIAL  
ANALYSES, ARGUMENTS, AND REBUTTAL ARGUMENTS FOR ANY  
MEASURE(S) THAT MAY QUALIFY TO BE PLACED ON THE BALLOT  
FOR THE NOVEMBER 2, 2004, GENERAL MUNICIPAL ELECTION

---

WHEREAS, the State of California Elections Code sets forth that whenever any city measure(s) qualifies for a place on the ballot, the governing body may direct the City Elections Official to transmit a copy of the measure(s) to the City Attorney for preparation of an impartial analysis. The Elections Code further sets forth the process for receiving arguments for and against the measure(s) and for the submittal of rebuttal arguments.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby set forth the following as it pertains to any measure(s) that may qualify to be placed on the ballot for the November 2, 2004, General Municipal Election:

SECTION 1. The City Council of the City of Lodi does hereby direct the City Clerk to transmit a copy of any measure(s) that would qualify to be voted upon at the November 2, 2004, General Municipal Election to the City Attorney to prepare an impartial analysis of the measure(s), showing the effect of the measure(s) on the existing law and the operation of the measure(s).

SECTION 2. The City Council of the City of Lodi does hereby determine that written argument for or against any city measure may be submitted pursuant to the Elections Code of the State of California. No argument shall exceed 300 words in length.

SECTION 3. The City Council of the City of Lodi does hereby determine that rebuttal arguments may be submitted pursuant to the Elections Code of the State of California. Rebuttal arguments shall not exceed 250 words in length.

Dated: June 2, 2004

---

I hereby certify that Resolution No. 2004-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 2, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

Susan J. Blackston  
City Clerk

2004-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be Held on Tuesday, November 2, 2004

**MEETING DATE:** June 2, 2004

**PREPARED BY:** City Clerk

---

**RECOMMENDED ACTION:** That the City Council adopt a resolution adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an election to be held on Tuesday, November 2, 2004.

**BACKGROUND INFORMATION:** The 2004 General Municipal Election for two Council seats will be held Tuesday, November 2, 2004. The terms of Council Members Howard and Land are expiring. By state statute a number of actions and decisions must be made by the Council prior to the opening of nominations.

The California Elections Code allows each candidate, for a non-partisan elective office in a city, to prepare a statement to be included with the sample ballot and mailed to each registered voter. Candidates' statements are designed to acquaint voters with a candidate's qualifications for the office they are seeking.

The law requires the Council to adopt a policy no later than seven days before the nomination period opens regarding the candidates statements and obligation for payment.

### **Payment**

Elections Code §13307 allows the City to estimate the total cost of printing, handling, translating, and mailing the candidates statements and requires each candidate filing a statement to pay in advance to the City his or her pro rata share as a condition of having his or her statement included in the voters' pamphlet. The cost of the candidates statement may be borne by the City, the candidate, or the cost shared between them.

Due to rising election costs the most prudent course of action to take would be to charge candidates for the cost of printing, handling, translating, and mailing of their candidate's statement. Deborah Hench, San Joaquin County Registrar of Voters, has estimated the 2004 General Election cost for a candidate's statement of qualifications at \$1,295 each. **The cost incurred by the City of Lodi for eight (8) candidate's statements in the 2002 election was \$10,400.** A similar number of candidates and cost for this year's election is anticipated.

---

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager



Candidates' statements are not required to run for elective office.

*California Government Code Section 85300. No public officer shall expend and no candidate shall accept any public moneys for the purpose of seeking elective office.*

➤ **Recommendation**

It is recommended that the City Council approve charging the candidates for the actual costs associated with the candidates' statements.

**Word Limit**

The Council may authorize an increase in the limitation on words for the candidate's statement from 200 to 400 words.

➤ **Recommendation**

It is recommended that the City Council not increase the word limitation, which has historically been set at 200 words.

**FUNDING:**     Dependent upon Council action:

Candidates to pay	- None required
City to pay	- \$10,400*

\* Note: Approximation for eight candidates at \$1,295 each (as estimated by the San Joaquin County Registrar of Voters)

---

James R. Krueger, Finance Director

Susan J. Blackston  
City Clerk

SJB/jmp

Attachment

RESOLUTION NO. 2004-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,  
ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE  
PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS  
AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004

---

WHEREAS, §13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to §13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Lodi on November 2, 2004, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age, and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY. Pursuant to the Federal Voting Rights Act, as amended, the City Clerk shall have all candidates statements translated into Spanish.

SECTION 3. PAYMENT. The candidate shall be required to pay for the cost of printing the candidates statement in English and Spanish in the voters' pamphlet.

The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voters' pamphlet. In the event the estimated payment is required, the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

SECTION 4. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 5. That the City Clerk shall provide each candidate or the candidate's representative a copy of this resolution at the time nominating petitions are issued.

SECTION 6. That all previous resolutions establishing Council policy on payment for candidates statements are repealed.

SECTION 7. That this resolution shall apply only to the election to be held on November 2, 2004, and shall then be repealed.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: June 2, 2004

---

I hereby certify that Resolution No. 2004-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 2, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

Susan J. Blackston  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Discussion and Possible Action Regarding the Proposed Large-Scale Retail Initiative and Request by the Small City Preservation Committee for the Council to Place the Measure on the November 2, 2004 Ballot, with the Exclusion of the Reference to Outside Retail Areas

**MEETING DATE:** June 2, 2004

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** That the City Council discuss and take action if desired regarding the proposed Large-Scale Retail Initiative and request by the Small City Preservation Committee for the Council to place the measure on the November 2, 2004 ballot, with the exclusion of the reference to outside retail areas.

**BACKGROUND INFORMATION:** This item appears on the agenda at the request of Mayor Hansen.

On March 17, 2004, Council voted to add Chapter 17.58 to the Lodi Municipal Code regarding design standards for large retail establishments. At this meeting, lengthy public comment and discussion occurred pertaining to the proposed Wal-Mart Supercenter project and the topic of large retail establishments in general.

On April 7, 2004, Council considered the following agenda item: *Discussion and appropriate action regarding 1) placing a ballot measure establishing "Big-Box" size limits on the November 2, 2004, ballot; 2) establishing a "Big-Box" size limit for the ballot measure; and 3) placing a moratorium on "Big-Box" retail pending the results of a November 2, 2004 ballot measure.* Lengthy public comment and discussion also occurred at this meeting pertaining to the proposed Wal-Mart Supercenter project and the topic of large retail establishments in general. Pages 11 and 12 (**Exhibit A**) of the minutes for this meeting contain the motion(s) and vote related to this item.

On May 19, 2004, under Item F, Comments by the Public on Non-Agenda Items, Betsy Fiske, Chair of the Small City Preservation Committee, submitted a document (**Exhibit B**) outlining four choices for Council to consider regarding the proposed Large-Scale Retail Initiative. In addition, a copy of the petition was submitted (**Exhibit C**) highlighting four identical sentences in the proposed text of the measure: *"For the purposes of this subsection, the term 'gross floor area' shall include outside retail areas."* The Committee suggests (in choice 3) that this language be omitted and that Council (*in accordance with California Elections Code Section 9222*) place the measure on the November 2, 2004 ballot. Following discussion, Mayor Hansen asked that the Committee's request be placed on the June 2, 2004 City Council agenda.

**FUNDING:** Dependent upon action.

\_\_\_\_\_  
Susan J. Blackston, City Clerk

SJB/jmp  
Attachments

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

This in fact did take place, and there was no further opposition. He asked Council and the public to consider what the real issues are. He found it ironic that eight years ago Council was considering whether to place a *minimum* size of 50,000 square feet on retail establishments in what was then called the "Four Corners" shopping center. Mr. Land stated that he would support a moratorium if the initiative qualifies for the ballot, but in the meantime projects should be allowed to move forward through the process.

Mayor Pro Tempore Beckman noted that shortly after he asked that this item be placed on the agenda, the Small City Preservation Committee filed its intent to circulate a petition. He had suggested a size limit of 60,000 square feet; however, the Committee believed it to be too extreme. He originally saw this as an opportunity for Lodi to define itself as a small town. He believed the 100,000 square foot size limit was not the right choice, and that the requirement for any business over that size to first go through a public vote is bad business. Mr. Beckman stated that he would oppose the ballot initiative.

Council Member Hitchcock reported that Wal-Mart is the largest political action committee in the United States. It has contributed to 49% of all of the sitting legislators on the federal level. Wal-Mart had the largest corporate profit in the United States last year at \$245 billion. Ms. Hitchcock noted that they have the potential to make an impact, and she is trying to explore whether it is positive or negative. She expressed a desire to have more information on analysis by cost benefits to the City. She supported the matter going to a public vote through the initiative process and placing a moratorium on projects until the election results are known. She expressed concern about the added expense of conducting a special election.

In answer to Council Member Hitchcock, City Clerk Blackston explained that if the initiative proponents are successful in obtaining signatures from 15% (3,950) or more of the registered voters in the City of Lodi, it would qualify for a special election to be held not less than 88 days nor more than 103 days after the date the Council orders the election; whereas, 10% (2,634) would qualify the petition for the next regular election. She noted that the initiative proponents have 180 days from the date of receipt of the ballot title and summary to collect the signatures.

In response to Council Member Hitchcock, Interim City Attorney Schwabauer reported that there is case law that indicates a moratorium can only apply to the final act of project approval.

Mayor Hansen did not think that government should interfere with the free enterprise system. He pointed out that Food for Less is building the Rancho San Miguel Market on the east side, which will compete with smaller businesses near that location. Now that a store may compete with Food for Less it has an issue with the size, etc. He recalled that when Food for Less first came to Lodi no one thought it was the City's obligation to protect the jobs of employees of existing grocery stores. He believed that large retail projects should be allowed to continue through the process with final approval contingent upon the outcome of the vote. He suggested that whether or not the required number of signatures are obtained by the initiative proponents, the matter should go before a vote of the people in November.

#### **MOTION #1:**

Council Member Hitchcock made a motion, Hansen second, that Council *not* place a measure establishing big-box size limits on the November 2, 2004, ballot, but to support citizens bringing forward an initiative.

#### **DISCUSSION:**

Interim City Attorney Schwabauer believed it was premature of Council to make a decision about the proposed initiative prior to it being filed and verified.

Mayor Pro Tempore Beckman and Council Members Howard and Land expressed agreement with Mr. Schwabauer's statement.

**VOTE**

The motion **failed** by the following vote:

Ayes: Council Members – Hitchcock and Mayor Hansen

Noes: Council Members – Beckman, Howard, and Land

Absent: Council Members – None

**MOTION #2**

Council Member Hitchcock made a motion, Beckman second, to impose a moratorium on final approval for big-box retail (100,000 square feet or greater) until voters take a position on the issue at an election, for which the citizen initiative qualifies.

DISCUSSION:

Mayor Hansen asked if the initiative passed, whether it would prevent the expansions of existing businesses.

Mr. Schwabauer answered in the affirmative, explaining that when an existing business applies for a permit, it would lose its grandfather status.

Community Development Director Bartlam agreed, noting that the planned Target expansion, which is anticipated to be ready for approval prior to November, would be delayed or prevented from occurring if the initiative passed. The motion under consideration would allow processing of the application to continue; however, it would not be scheduled for a hearing. In his opinion the initiative would *not* affect the proposed remodel and expansion of the Raley's or Lakewood Mall because neither has over 100,000 square foot uses. It *would* effect the application for the Target expansion and proposed Wal-Mart Supercenter.

RECESS

At 9:07 p.m., Mayor Hansen called for a recess, and the City Council meeting reconvened at 9:20 p.m.

I. REGULAR CALENDAR (Continued)

I-5 Interim City Attorney Schwabauer stated that pursuant to Government Code §65858, in order to adopt an interim ordinance Council must make a finding that there is a current and immediate threat to the public health, safety, or welfare and that the approval of additional subdivision, use permits, variances, building permits, or any other applicable entitlement for use, which is required in order to comply with a zoning ordinance, would result in that threat to public health, safety, or welfare. He suggested that Council allow him an opportunity to come back with draft language for the interim ordinance and recommended that it be considered following a public hearing. He noted that an interim ordinance requires a 4/5 vote to pass.

Mayor Pro Tempore Beckman **withdrew** his second, and the motion **died** for lack of a second.

In answer to Mayor Hansen, Mr. Bartlam explained that approvals on projects are final at the Planning Commission level unless appealed to the City Council. Staff would not schedule a public hearing before the Planning Commission if a moratorium was in place because there would be no point in holding a public hearing without the ability to take final action.

Discussion ensued on various scenarios and timelines to qualify a petition for the November ballot or for a special election.

filed 5-19-04

EXHIBIT B

May 19, 2004

## Perceived Four Choices for Lodi's Sensible Scale and Character Initiative

1) The initiative is placed on the ballot as is, with the City acknowledging that the intention of the Small City Preservation Committee is that it does not apply to car dealerships and, if it passes, advising the Community Development Director of same, 2) the initiative is placed on the ballot as is and any retail businesses over 125,000 sq. ft., including car dealerships, would require voter approval, 3) which is our preference, the City amends the language of our initiative to exclude "outside retail areas" and places it as a measure on the ballot, or 4) and most undesirable, our group has the language amended and we start all over again, collecting signatures, and proceed to a special election which will cost upwards of \$92,750. That's \$3.50 per voter for all 26,500 plus registered voters in Lodi, according to the County Registrar's office.

Betsy Fiske

Chairwoman, Small City Preservation Committee

## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

### TITLE: LARGE-SCALE RETAIL INITIATIVE

**Summary by City Attorney:** The Large-Scale Retail Initiative is a land use initiative containing amendments to the Lodi General Plan and the Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code). The Initiative would amend the Lodi Zoning Ordinance to impose a maximum size limitation of 125,000 square feet in gross floor area on retail structures within any zoning district in the City of Lodi. The Initiative defines the term "gross floor area" to include outside retail areas. The Initiative also adds twenty-one recitals to the Zoning Ordinance. Under the Initiative, proposals for retail structures in excess of the size limitations would be subject to both review and approval by the City Council and approval by the voters at a general election. In considering the proposed project, the City Council would be required to comply with the California Environmental Quality Act (CEQA) and any other applicable law. If approved by the City Council, the proposed project would then be submitted to the voters at a general election. The Initiative also adds provisions to the Lodi General Plan requiring compliance with and concerning implementation of this approval process. The Initiative prohibits the City Council from granting variances to the size limitations. Costs incurred by the City in conducting an election held for the purpose of approving a proposed retail structure in excess of the size limitations established by the Initiative would be borne by the applicant for the project unless prohibited by law. The Initiative states that such elections shall be consolidated with other elections if feasible and permits multiple proposals on a single ballot so long as each proposal affecting a discrete property or development project is listed as a separate measure. The Initiative directs that any amendments to the Lodi Planning and Zoning Code adopted after April 16, 2004 that are inconsistent with the Zoning Ordinance amendments contained in the Initiative be amended as soon as possible to be consistent with the Initiative. The Initiative also authorizes the City Council to amend the Lodi General Plan, the Zoning Ordinance, other City ordinances, and City policies to ensure consistency with the goals, objectives and policies of the Initiative. The Initiative states that it does not apply to: (1) projects that have obtained vested rights under state or local law; and (2) land that is not subject to the local initiative power. The Initiative states that it shall be interpreted broadly to achieve the purposes stated in the Initiative, and also that it shall be interpreted to be consistent with state and federal law.

### TEXT OF PROPOSED MEASURE:

NOW, THEREFORE, the City of Lodi hereby ordains that: The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code, Districts and Map) is amended by the addition of 17.06.050(D), which shall read as follows:

"Retail structures in any district established by this title shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas."

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of the following Sections 17.36.035, 17.36.036, 17.39.035, 17.39.036, 17.30.045, 17.30.046, which include but shall not be limited to these applicable districts.

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.36.035, which shall read as follows:

"Retail structures in the C-1 district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas."

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.39.035, which shall read as follows:

"Retail structures in the C-2 district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas."



The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Section 17.30.045 which shall read as follows:

"Retail structures in the C-S district shall not exceed 125,000 square feet in gross floor area unless approved by the City Council and the voters in the next general election. The City shall not submit any application for a retail structure in excess of 125,000 square feet in gross floor area to the voters if the application has not first been approved by the City Council, unless otherwise required by law. If, after compliance with the California Environmental Quality Act and any other applicable laws, the City Council approves and certifies the environmental impact report for a retail structure in excess of 125,000 square feet in gross floor area in any district established by this title, the project shall not become effective until approval by public vote in the next general election. For the purposes of this subsection, the term "gross floor area" shall include outside retail areas."

The Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) is further amended by the addition of Sections 17.36.036, 17.39.036, 17.30.046, and 17.06.051 which shall read as follows:

"Nothing in this Chapter shall give the City Council the authority to grant a variance from the provisions of 17.36.035, 17.39.035, 17.30.045, and 17.06.050(D) relating to the maximum size of retail structures in any district established by this title, including but not limited to the C-1, C-2, and C-S Districts."

The Lodi General Plan is amended by the addition of Policy 7 to Goal A which shall read as follows:

"The City shall promote preservation of Lodi's small-town and rural qualities by ensuring that retail structures in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election."

The Lodi General Plan is further amended by the addition of Policy 6 to Goal D which shall read as follows:

"The City shall promote and support Lodi's downtown development by ensuring that retail structures in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election."

The Lodi General Plan is further amended by the addition of Policy 7 to Goal E which shall read as follows:

"The City shall support commercial use development to provide goods and services to Lodi residents and market area by ensuring that retail structures in excess of 125,000 square feet in gross floor area in any land use designation are approved by the City Council and a public vote in the next general election."

The City of Lodi's General Plan is hereby amended to add the following Implementing Policy, Policy 17, to read as follows:

"The City shall prepare and implement the requirement for City Council and public voter approval of retail structures in excess of 125,000 square feet in gross floor area in any district established by Lodi's General Plan and Zoning Ordinance."

To the Honorable Clerk of the City of Lodi: We, the undersigned, registered and qualified voters of the City of Lodi, hereby propose an initiative measure to amend the City of Lodi's Zoning Ordinance, Lodi Municipal Code, Title 17; and General Plan. We petition you to submit this measure to the City Council for adoption without change, or for the submission to the voters of the City of Lodi at the earliest regular or special election for which it qualifies.

**NOTICE OF INTENTION TO CIRCULATE PETITION**

**NOTICE IS HEREBY GIVEN** by the persons whose names appear hereon of their intention to circulate the petition within the City of Lodi. The measure provides as follows:

**Lodi's Sensible Scale and Character Initiative**

The people of the City of Lodi do hereby ordain as follows:

**Section 1. Purpose and Findings.**

- A. **Purpose.** The purpose of this Initiative is to protect and preserve the existing community character and fabric, and promote the continuation of neighborhood/community commercial centers and the downtown commercial center. Also, the purpose of this Initiative is to ensure that the purposes and principles set forth in the City of Lodi's General Plan are fully considered by establishing sensibly scaled retail development and maintenance of the City of Lodi's unique character. This action recognizes that large-scaled retail stores affecting the city shall be subject to approval by the City Council and a public vote.
- B. **Findings.** The people of the City of Lodi find that regulating size and bulk of retail stores, through this initiative, promotes the welfare, economy, and quality of life of the residents of Lodi, based upon the following:

**1. Regulating Scale of Retail Stores Protects the Unique Character and Quality of Life in Lodi**

An important component of the City of Lodi is maintaining its unique character. Lodi's small-town and rural qualities are a valuable trait of the town. Large-scale retail stores detract from the community's character and aesthetics. Large retail stores are usually located some distance away from residential neighborhoods because they require large sites, which are usually found only in zones outside of the downtown area. Large-scale retail often consists of long, plain facades, a sea of parking, and sparse landscaping. The unique character of the City of Lodi and the quality of life enjoyed by City residents and visitors depend on the protection of the small-town and rural qualities. The protection of such attributes aids the continued viability of the city and brings mental and physical benefits from the broad protection of Lodi residents' quality of life.

**2. Strengthening Lodi's Economy.**

It is important to have sensibly scaled retail stores in order to continue to strengthen and sensibly develop Lodi's existing economy. Lodi has a number of shopping centers providing the community with merchandise and services. Large-scale retail stores affect existing shopping centers by causing the existing stores to go out of business, thus destabilizing the shopping centers, and leaving empty, boarded-up buildings, which increase crime and blight. The surrounding area loses the merchandise and services offered by the existing businesses. Sometimes a large-scale retail company will close down an existing store, and replace it with a superstore, which also results in a large, empty store.

**3. Ensuring Adequate Public Services for the City.**

There are negative impacts to not having sensibly scaled retail stores, including safety. Large-scale retail stores require significantly higher commitment of police, fire, and public safety resources compared to smaller neighborhood stores. Usually large-scale stores fail to provide provisions for the pedestrians entering the store. It is often dangerous even to walk from the parking lot to the entrance of the store, with cars driving and maneuvering in the very large parking area. The larger stores usually involve longer trips and generate more traffic in a concentrated area, and thus require improved street capacity in their immediate neighborhoods. The elderly, handicapped, and poor, who may not have access to larger retail stores because they are located at greater distances away from their neighborhoods due to the large land acquisition requirements of the larger retail stores.

- C. **Effect of Initiative.** To achieve the above-stated purposes, this Initiative would amend the City of Lodi's Ordinance and General Plan to establish a limit on large-scale retail stores that exceed 125,000 square feet of gross floor area. Also, it would require that any large-scale retail project proposal containing commercial retail structures that exceed 125,000 square feet of gross floor area be subject to approval by the City

City Council and a public vote in the next general election.

Exhibits. This Initiative does not have any exhibits attached but relies upon the design standards for large-scale stores recently adopted by the City.

## **Section 2. Zoning Ordinance and General Plan Amendments.**

Whereas, the Lodi General Plan establishes a policy framework that forms the City of Lodi's strategy for retail; and

Whereas, the Lodi General Plan and Zoning Ordinance recognize distinct types of shopping centers such as neighborhood/community commercial; general commercial; commercial shopping center; and downtown commercial; and

Whereas, the Lodi General Plan establishes policies encouraging promoting downtown Lodi as the City's social and cultural center and an economically viable retail and professional office district, it promotes locating future commercial retail in downtown Lodi and preserving the existing small-town scale and character of Lodi; and

Whereas, General Plan policies promote and encourage vital neighborhood commercial districts that are evenly distributed throughout the city so that residents are able to meet their basic daily shopping needs at neighborhood shopping centers; and

Whereas, the California Government Code also provides that in order for the ordinance to be consistent with the General Plan, the various land uses authorized by the ordinance should be compatible with the objectives, policies, general land uses, and programs specified in the General Plan; and

Whereas, the Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code) has not kept pace with the evolution of the retail sector and fails to adequately distinguish the size, scale and scope of various retail activities; and

Whereas, an emerging national trend exists toward increasing the size of retail stores and the diversity of products offered at such large-scale retail stores; and

Whereas, the establishment of large-scale retail stores in Lodi is likely to negatively impact the vitality and economic viability of the city's neighborhood community commercial and downtown commercial centers by drawing sales away from traditional retail stores located in these centers; and

Whereas, large-scale retail stores adversely affect the viability of small-scale, pedestrian-friendly neighborhood commercial areas, contributing to blight in these areas; and

Whereas, given the city's current population of 60,000, there are currently adequate retail stores to support the market for large-scale retail; and

Whereas, the proposed amendments to the Zoning Ordinance and General Plan are intended to preserve the city's existing neighborhood-serving shopping centers that are centrally located within the community; and

Whereas, this distribution of shopping and employment creates a land use pattern that reduces the need for vehicle trips and encourages walking and biking for shopping, services, and employment; and

Whereas, a significant concern with large-scale retail stores is that they combine neighborhood-serving retail in a more remote, regional-serving retail center which would result in the decline of neighborhood-serving retail stores by consolidating their activity in a single, outlying location; and

Whereas, the remote location of large-scale retail stores means that local residents are forced to drive further for basic services such as groceries, and are forced to take longer and more frequent traffic trips to the regional commercial center to satisfy basic everyday needs, increasing overall traffic and overburdening streets that were not designed to accommodate such traffic; and

Whereas, the proposed amendments to Lodi's Zoning Ordinance and General Plan, by limiting large-scale retail stores, will prevent the negative transportation and related air quality impacts that establishment of such stores is likely to have; and

Whereas, numerous local jurisdictions in the country and the State of California, taking all of the above considerations in mind, have enacted ordinances on new large retail stores over a certain size that either completely prohibit new retail stores over a certain size or require special impact studies; and

Whereas, California jurisdictions that have recently enacted such regulations to help sustain the vitality of small-scale, more pedestrian-oriented neighborhood shopping districts include the Cities of Turlock, Santa Maria, San Luis Obispo, Arroyo Grande, Oakland and Martinez; and

Whereas, a potential discount superstore would directly contravene the approach the City's General Plan established for retail; and

Whereas, the proposed regulations will place stricter controls on the establishment of, or conversion to large-scale stores and would prevent large-scale retail store with potential negative environmental impacts from being established in Lodi, but will not itself generate environmental impacts or necessitate environmental review; and

Whereas, the adoption of these regulations does not approve any development project nor does it disturb the physical environment either directly or indirectly as the regulations modify the limitations of land use by limiting large-scale retail stores that exceed 125,000 square feet of gross floor area and require such projects be approved by the City Council and the citizens' votes in the next general election; and

Whereas, requiring voter approval of land use development of large-scale retail stores that exceed 125,000 square feet of gross floor area will ensure opportunities for full public participation in decisions affecting future land use, quality of life, and character of the City of Lodi.

## **Section 3. Implementation.**

- A. **Effective Date.** As provided in Elections Code section 9217, this Initiative shall take effect ten days after the date on which the election results are declared by the City Council. Upon the effective date of this Initiative, the provisions of Section 2 of this Initiative are hereby inserted into the City of Lodi's Planning and Zoning Code and General Plan as an amendment thereof.
- B. **Interim Amendments.** The City of Lodi's Zoning Code in effect at the time the Notice of Intent to circulate this Initiative was submitted to the City of Lodi Elections Official on April 16, 2004 ("Submittal Date"), and the ordinances as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City of Lodi. In order to ensure that the City of Lodi's Planning and Zoning remains an integrated, internally consistent and compatible statement of policies for the City as required by state law and to ensure that the actions of the voter in enacting this Initiative are given effect, any provision of the Planning and Zoning Code that is adopted between the Submittal Date and the date that the Planning and Zoning Code is amended by this measure shall, to the extent that such interim-enacted provision is inconsistent with the Planning and Zoning Code provisions adopted by Section 2 of this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the City's Planning and Zoning Code.
- C. **Other City Ordinances and Policies.** The City of Lodi is hereby authorized to amend the Planning and Zoning Code, other ordinances, the General Plan, and policies affected by this Initiative as soon as possible and in the manner and time required by any applicable state law to ensure consistency between goals, objectives and policies adopted in Section 2 of this Initiative and other elements of the City's Planning and Zoning Code, General Plan, all community and specific plans, and other City ordinances and policies.

#### **Section 4. Exemptions for Certain Projects.**

This Initiative shall not apply to any of the following: (1) any project that has obtained as of the effective date of the Initiative a vested right pursuant to state or local law; (2) any land that, under state or federal law, is beyond the power of the local voters to affect by the initiative power reserved to the people via the California Constitution.

#### **Section 5. Elections.**

Except for the renewal or repeal of this Article, any direct or indirect costs to the City of Lodi caused by the elections mandated by this Article shall be borne by the applicants for the large-scale development project in excess of 125,000 square feet, unless otherwise prohibited by state law. Elections mandated by this Article shall be consolidated with other elections, whenever feasible. Different proposals may appear on the same ballot at the same election provided that each separate proposal affecting a discrete property or development project shall be submitted to the voters as a separate measure.

#### **Section 6. Severability and Interpretation.**

This Initiative shall be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Initiative. The voters hereby declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof would have been adopted or passed even if one or more more sections, sub-sections, sentences, clauses, phrases, parts, or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application. This Initiative shall be broadly construed in order to achieve the purposes stated in this Initiative.

#### **Section 7. Amendment or Repeal.**

Except as otherwise provided herein, this Initiative may be amended or repealed only by the voters of the City of Lodi.

Elizabeth M. Fiske

727 S. Lee Ave.

Lodi, CA 95240

Glenda Hesseltine

727 Brandywine Dr.

Lodi, CA 95240

Walter Pruss

2421 Diablo Dr.

Lodi, CA 95242

**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS**

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

**TITLE: LARGE-SCALE RETAIL INITIATIVE**

Summary by City Attorney: The Large-Scale Retail Initiative is a land use initiative containing amendments to the Lodi General Plan and the Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code). The Initiative would amend the Lodi Zoning Ordinance to impose a maximum size limitation of 125,000 square feet in gross floor area on retail structures within any zoning district in the City of Lodi. The Initiative defines the term "gross floor area" to include outside retail areas. The Initiative also adds twenty-one recitals to the Zoning Ordinance. Under the Initiative, proposals for retail structures in excess of the size limitations would be subject to both review and approval by the City Council and approval by the voters at a general election. In considering the proposed project, the City Council would be required to comply with the California Environmental Quality Act (CEQA) and any other applicable law. If approved by the City Council, the proposed project would then be submitted to the voters at a general election. The Initiative also adds provisions to the Lodi General Plan requiring compliance with and concerning implementation of this approval process. The Initiative prohibits the City Council from granting variances to the size limitations. Costs incurred by the City in conducting an election held for the purpose of approving a proposed retail structure in excess of the size limitations established by the Initiative would be borne by the applicant for the project unless prohibited by law. The Initiative states that such elections shall be consolidated with other elections if feasible and permits multiple proposals on a single ballot so long as each proposal affecting a discrete property or development project is listed as a separate measure. The Initiative directs that any amendments to the Lodi Planning and Zoning Code adopted after April 16, 2004 that are inconsistent with the Zoning Ordinance amendments contained in the Initiative be amended as soon as possible to be consistent with the Initiative. The Initiative also authorizes the City Council to amend the Lodi General Plan, the Zoning Ordinance, other City ordinances, and City policies to ensure consistency with the goals, objectives and policies of the Initiative. The Initiative states that it does not apply to: (1) projects that have obtained vested rights under state or local law; and (2) land that is not subject to the local initiative power. The Initiative states that it shall be interpreted broadly to achieve the purposes stated in the Initiative, and also that it shall be interpreted to be consistent with state and federal law.

**NOTICE TO THE PUBLIC**

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. THE USE OF YOUR SIGNATURE FOR ANY PURPOSE OTHER THAN QUALIFICATION OF THIS MEASURE FOR THE BALLOT IS A MISDEMEANOR. COMPLAINTS ABOUT THE MISUSE OF YOUR SIGNATURE MAY BE MADE TO THE SECRETARY OF STATE'S OFFICE.

All signers of this petition must be registered to vote in the City of Lodi.

Sign Name 1	Residence Address Only	For Clerks Use Only
Print Name	City	
Sign Name 2	Residence Address Only	For Clerks Use Only
Print Name	City	
Sign Name 3	Residence Address Only	For Clerks Use Only
Print Name	City	
Sign Name 4	Residence Address Only	For Clerks Use Only
Print Name	City	
Sign Name 5	Residence Address Only	For Clerks Use Only
Print Name	City	
Sign Name 6	Residence Address Only	For Clerks Use Only
Print Name	City	

**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS**

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

**TITLE: LARGE-SCALE RETAIL INITIATIVE**

Summary by City Attorney: The Large-Scale Retail Initiative is a land use initiative containing amendments to the Lodi General Plan and the Lodi Zoning Ordinance (Title 17 of the Lodi Municipal Code). The Initiative would amend the Lodi Zoning Ordinance to impose a maximum size limitation of 125,000 square feet in gross floor area on retail structures within any zoning district in the City of Lodi. The Initiative defines the term "gross floor area" to include outside retail areas. The Initiative also adds twenty-one recitals to the Zoning Ordinance. Under the Initiative, proposals for retail structures in excess of the size limitations would be subject to both review and approval by the City Council and approval by the voters at a general election. In considering the proposed project, the City Council would be required to comply with the California Environmental Quality Act (CEQA) and any other applicable law. If approved by the City Council, the proposed project would then be submitted to the voters at a general election. The Initiative also adds provisions to the Lodi General Plan requiring compliance with and concerning implementation of this approval process. The Initiative prohibits the City Council from granting variances to the size limitations. Costs incurred by the City in conducting an election held for the purpose of approving a proposed retail structure in excess of the size limitations established by the Initiative would be borne by the applicant for the project unless prohibited by law. The Initiative states that such elections shall be consolidated with other elections if feasible and permits multiple proposals on a single ballot so long as each proposal affecting a discrete property or development project is listed as a separate measure. The Initiative directs that any amendments to the Lodi Planning and Zoning Code adopted after April 16, 2004 that are inconsistent with the Zoning Ordinance amendments contained in the Initiative be amended as soon as possible to be consistent with the Initiative. The Initiative also authorizes the City Council to amend the Lodi General Plan, the Zoning Ordinance, other City ordinances, and City policies to ensure consistency with the goals, objectives and policies of the Initiative. The Initiative states that it does not apply to: (1) projects that have obtained vested rights under state or local law; and (2) land that is not subject to the local initiative power. The Initiative states that it shall be interpreted broadly to achieve the purposes stated in the Initiative, and also that it shall be interpreted to be consistent with state and federal law.

**NOTICE TO THE PUBLIC**

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK. THE USE OF YOUR SIGNATURE FOR ANY PURPOSE OTHER THAN QUALIFICATION OF THIS MEASURE FOR THE BALLOT IS A MISDEMEANOR. COMPLAINTS ABOUT THE MISUSE OF YOUR SIGNATURE MAY BE MADE TO THE SECRETARY OF STATE'S OFFICE.

All signers of this petition must be registered to vote in the City of Lodi.

Sign Name 7	Residence Address Only	For Clerks Use Only
Print Name	City	
Sign Name 8	Residence Address Only	For Clerks Use Only
Print Name	City	
Sign Name 9	Residence Address Only	For Clerks Use Only
Print Name	City	
Sign Name 10	Residence Address Only	For Clerks Use Only
Print Name	City	

**DECLARATION OF CIRCULATOR**

I, \_\_\_\_\_ residing at \_\_\_\_\_, circulated the petition and witnessed the appended signatures being written. That according to the best information and belief each signature is the genuine signature of the person whose name it purports to be. I declare that I am a voter or am qualified to register as a voter of the state. The signatures were obtained between \_\_\_\_\_, 20\_\_\_\_, and \_\_\_\_\_, 20\_\_\_\_. I certify (or declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed by me at \_\_\_\_\_, on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
(Signature of Circulator)





## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Discussion and Possible Action Regarding Option to Refer the Proposed Large-Scale Retail Initiative Measure to any City Agency or Agencies for a Report on Its Effect on Municipal Operations (Pursuant to California Elections Code Section 9212)

**MEETING DATE:** June 2, 2004

**PREPARED BY:** City Clerk

**RECOMMENDED ACTION:** That Council discuss and take appropriate action, if desired, to order a report on the municipal impacts of the proposed Large-Scale Retail Initiative.

**BACKGROUND INFORMATION:** Proponents of the Large-Scale Retail Initiative have expressed concern about the short timeframe they are under to qualify the petition for the November ballot, and specifically, how Elections Code Sections 9212(a), 9214(c), and 9215(c), which allow Council the option of ordering a report on the measure's effect on municipal operations, could further delay action to place it on the ballot.

A report can be ordered by Council either during circulation of the petition or at the regular meeting at which the certification of the petition is presented. To expedite the process, the proponents would prefer that if Council desires such a report be prepared, that it be ordered immediately, rather than waiting until the meeting at which the petition is certified. Community Development Director Bartlam will be available to answer questions regarding the purpose, possible content, and feasibility of preparing such a report if Council expresses an interest in doing so.

### California Elections Code:

**9212.** (a) During the circulation of the petition, or before taking either action described in subdivisions (a) and (b) of Section 9214, or Section 9215, the legislative body may refer the proposed initiative measure to any city agency or agencies for a report on any or all of the following:

- (1) Its fiscal impact.
  - (2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
  - (3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
  - (4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
  - (5) Its impact on the community's ability to attract and retain business and employment.
  - (6) Its impact on the uses of vacant parcels of land.
  - (7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
  - (8) Any other matters the legislative body requests to be in the report.
- (b) The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.

**FUNDING:** None required.

\_\_\_\_\_  
Susan J. Blackston, City Clerk

SJB/jmp

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Introduction of Draft Fiscal Year 2004-05 Financial Plan and Budget

**MEETING DATE:** June 2, 2004

**PREPARED BY:** Deputy City Manager

---

**RECOMMENDED ACTION:** That Council receive the Draft Fiscal Year 2004-05 Financial Plan and Budget.

**BACKGROUND INFORMATION:** During the May 19, 2004, City Council meeting, the City Manager advised Council Members that he would introduce the Draft Fiscal Year 2004-05 Financial Plan and Budget during the June 2, 2004, meeting. The Draft Budget document will be distributed to Council during the meeting.

The document that Council will receive will include the following revised sections from the adopted Fiscal Years 2003-05 Financial Plan and Budget:

1. Policies
2. Debt Service
3. Fund Balances
4. Appropriations Limit
5. Revenues by Major Source
6. Interfund Transfers
7. Personnel Staffing
8. Summary of Significant Expenditure Requests

The aforementioned sections will be introduced to Council during the meeting, after which time the City Manager will recommend that Council continue Budget discussions during Shirtsleeve Sessions scheduled in June. Additionally the City Manager will invite Council Members to meet individually with him and staff to review any questions and clarifications regarding the Draft Budget prior to Budget adoption on June 30, 2004.

**FUNDING:** Not Applicable .

---

Janet S. Keeter  
Deputy City Manager

JSK

---

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Introduce Ordinance Amending Lodi Municipal Code Chapter 12.12 – Parks by adding Article IV "Skate Parks" Relating to Skate Park Regulations

**MEETING DATE:** June 2, 2004

**PREPARED BY:** Parks and Recreation Director

---

**RECOMMENDED ACTION:** That the City Council introduce the ordinance amending Lodi Municipal Code Chapter 12.12 – Parks by adding Article IV "Skate Parks" relating to skate park regulations.

**BACKGROUND INFORMATION:** The Kofu Skate Park opened in August, 2002, and operated until December 2003 when the contract between Spohn Ranch, Inc. and the City of Lodi was terminated. The Parks and Recreation Department has been laying the groundwork to reopen the park as an unsupervised facility. Interim City Attorney Stephen Schwabauer has written this ordinance which would allow the City to operate the skate park in the future.

**FUNDING:** \$1000.00

\_\_\_\_\_  
James Krueger, Finance Director

\_\_\_\_\_  
Tony Goehring  
Parks and Recreation Director

Prepared by Michael S. Reese, Recreation Supervisor

TG/MR:tl

cc: City Attorney

---

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
LODI AMENDING LODI MUNICIPAL CODE CHAPTER 12.12 –  
PARKS – BY ADDING ARTICLE IV, “SKATE PARKS,”  
RELATING TO SKATE PARK REGULATIONS

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 12.12 “Parks” is hereby amended by adding Article IV, Skate Parks, and shall read as follows:

Article IV. Skate Parks

12.12.300 Skateboarding, Rollerskating prohibited in Certain Areas; Skate Park Regulations

- A. Skateboarding, rollerskating, in-line skating, and similar activities are prohibited in City Parks and recreational facilities unless specifically authorized in areas designed by this Section and as further designated by resolution of the City Council. The City of Lodi designates and maintains as a skate park facility, that area located within Kofu Park at 1145 South Ham Lane at Cardinal Street. The boundaries of the skate facility shall be defined by a fence and the signs required by this section.

12.12.310 The following regulations shall apply to the riding of skateboards, in-line skates, or roller skates at, or any other use of, any facility or park owned or operated by the City of Lodi, which has been designated a skate park:

- A. Within the skate park, it shall be unlawful for any person to:
- (1) Ride, operate, or use a skateboard, roller skates, or in-line skates, unless that person is wearing a helmet designed for skateboarding and/or in-line skating use with a chin strap, elbow pads designed for skateboard and/or in-line skating use with plastic elbow caps, and knee pads designed for skateboard and/or in-line skating use with plastic knee caps, which equipment shall be in good repair at all times during use;
  - (2) Ride, operate, utilize a skateboard, roller skates, or in-line skates unless such equipment is in good repair at all times during use;
  - (3) Be on or use an individual apparatus within the skate park while another person is using it;
  - (4) Place or utilize additional obstacles or other materials (including but not limited to ramps or jumps) within the skate park;

- (5) Use the skate park amenities when the surfaces of the amenities are wet or other conditions exist which would adversely affect the safety of skateboarders or skaters;
- (6) Use, operate, or possess any source of amplified music including but not limited to stereo's, boom boxes, and amplifiers.
- (7) Enter the skate park unless actively skateboarding or in-line skating in accordance with these regulations;
- (8) Use, consume, or have within his or her custody or control, food or beverages, within the skate park;
- (9) Use, consume, or have within his or her custody or control, alcohol, tobacco products, or illegal drugs within the skate park;
- (10) Enter upon the skate park while under the influence of alcoholic beverages or illegal drugs;
- (11) Use or possess glass containers, bottles, or other breakable glass products within the skate park;
- (12) Use or engage in profanity, reckless and boisterous behavior (including, but not limited to, tandem riding, pushing, horseplay, and bullying) or any activity which could endanger the safety of persons using the skate park or spectators;
- (13) Engage in graffiti, tagging, or other defacing of City property or the properties of others;
- (14) Ride, operate, or utilize any device other than a skateboard, roller skates, or in-line skates (prohibited devices include, but are not limited to, bicycles, motor vehicles, motorized skateboards, and motorized skates) on the skate park;
- (15) No person shall enter or remain in or upon the skate park premises between the hours of 9:00 P.M. and 9:00 A.M. Sunday through Thursday, and 10:00 P.M. and 10:00 A.M. Friday and Saturday.

B. The skate park shall be posted with signs at the following locations:

- (1) At the entrance to the skate Park; and
- (2) On the fences of the skate park, facing the interior of the skate park, and in such places inside the park as determined by the City. The signs shall not be less than 2 feet by 3 feet in size and shall use black letters on a white background. The signs may, but shall not be required to, summarize the regulations governing the use of the skate facility. Each sign shall contain, in letters not less than ½ inch in height, the following language:

### WARNING

SKATEBOARDING AND IN-LINE SKATING ARE HAZARDOUS RECREATION ACTIVITIES. USE OF THIS FACILITY MAY RESULT IN SERIOUS INJURIES OR DEATH. THE CITY OF LODI DOES NOT ASSUME ANY RESPONSIBILITY FOR INJURIES OR DEATH. EACH PERSON ENTERING THE FACILITY ASSUMES ALL RISK OF INJURY OR DEATH. CALIFORNIA HEALTH AND SAFETY CODE §§115800 AND 115800.1.

IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE A SKATEBOARD OR IN-LINE SKATES UNLESS THE PERSON IS WEARING A HELMET DESIGNED FOR SKATEBOARD USE AND/OR IN-LINE SKATING WITH A CHIN STRAP, ELBOW PADS DESIGNED FOR SKATEBOARD AND/OR IN-LINES SKATING USE WITH PLASTIC ELBOW CAPS AND KNEE PADS DESIGNED FOR SKATEBOARD AND/OR IN-LINE SKATING USE WITH PLASTIC KNEE CAPS, WHICH EQUIPMENT SHALL BE IN GOOD REPAIR AT ALL TIMES DURING USE. IT IS UNLAWFUL FOR ANY PERSON TO RIDE, OPERATE, OR UTILIZE ANY DEVICE OTHER THAN NON-MOTORIZED SKATE BOARDS AND NON-MOTORIZED SKATES. IT IS UNLAWFUL FOR ANY PERSON TO PROVIDE AMPLIFIED MUSIC WITHIN THE SKATE PARK. ANY PERSON FAILING TO COMPLY WITH THIS SECTION SHALL BE SUBJECT TO CITATIONS AND PENALTIES PURSUANT TO LODI MUNICIPAL CODE SECTION 1.08.010.

#### 12.12.320 Violations

- A. Every act prohibited or declared unlawful and every failure to perform an act made mandatory by this Chapter shall be prosecuted as a misdemeanor or an infraction as provided in Section 1.08.010 of this Code.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care toward persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall take effect thirty days from and after its passage and approval.

Approved this \_\_\_\_\_ day of June, 2004

\_\_\_\_\_  
LARRY D. HANSEN  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk

=====

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held June 2, 2004, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2004, by the following vote:

AYES:            COUNCIL MEMBERS –  
NOES;           COUNCIL MEMBERS –  
ABSENT:        COUNCIL MEMBERS –  
ABSTAIN:       COUNCIL MEMBERS –

I further certify that Ordinance No. \_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
Interim City Attorney



TM

## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Introduce ordinance amending Title 10, Chapter 10.44, "Stopping, Standing, and Parking," by adding Section 10.44.170 related to disabled parking regulations

**MEETING DATE:** June 2, 2004

**PREPARED BY:** Jerry J. Adams, Chief of Police

---

**RECOMMENDED ACTION:** That the Council introduce ordinance amending Title 10, Chapter 10.44, "Stopping, Standing and Parking," by adding section 10.44.170 related to disabled parking regulations.

**BACKGROUND INFORMATION:** A new law was passed by the California Legislature for 2004 that allows local municipalities to assess an additional \$100 to the current fine for violations of disabled parking laws. The law allows municipalities to adopt such law by simple resolution of the City Council. This amendment allows an additional penalty of one hundred dollars (\$100.00) to be added to any fines imposed for the violation of disabled parking related regulations set forth in Vehicle Code Sections 4461 or 22507.8.

All revenue generated from the imposition of this additional penalty shall be used to improve the enforcement of the provisions of the Vehicle Code relating to disabled parking spaces and placards within the City of Lodi, and may not be used to supplant funds used for other general parking enforcement purposes. It is anticipated that the additional \$100 will amount to approximately \$40,000.00 per year to this special fund. The current fine for violations of disabled person parking is \$275.00. With the new assessment of \$100.00, the total fine will be \$375.00.

**FUNDING:** None

---

Jerry J. Adams  
Chief of Police

cc: City Attorney

---

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF LODI AMENDING TITLE 10, CHAPTER  
10.44, "STOPPING, STANDING AND PARKING," BY  
ADDING SECTION 10.44.170 RELATED TO  
DISABLED PARKING REGULATIONS

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

**SECTION 1.** Section 10.44.170 is hereby added to the Lodi Municipal Code to read as follows:

- A. No person shall violate the disabled parking related regulations set forth in Vehicle Code Sections 4461 or 22507.8. Any person cited for violating any provision of Vehicle Code Section 4461 or 22507.8 shall, in addition to any fine imposed by those sections, be assessed an additional penalty of one hundred dollars (\$100.00)
- B. A violation of this section shall be an infraction punishable solely by the imposition of the fine set forth in subsection A of this Section
- C. All revenue generated from the imposition of the penalty set forth in subsection A of this Section shall be used to implement the enforcement provisions of the Vehicle Code relating to disabled parking spaces and placards within the City of Lodi, and may not be used to supplant funds used for other general parking enforcement purposes. (Vehicle Code 4461.3)

**SECTION 2.** All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

**SECTION 3.** This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2004

\_\_\_\_\_  
LARRY D. HANSEN  
Mayor

Attest:

SUSAN J. BLACKSTON  
City Clerk

=====

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. \_\_\_\_\_ was introduced at a regular meeting of the City Council of the City of Lodi held June 2, 2004, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held \_\_\_\_\_, 2004, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. \_\_\_\_\_ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER  
Interim City Attorney



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Discussion and Possible Action Regarding a Proposed City of Lodi Code of Ethics and Values

**MEETING DATE:** June 2, 2004

**PREPARED BY:** City Manager

---

**RECOMMENDED ACTION:** That Council discuss and take possible action regarding a proposed City of Lodi Code of Ethics and Values.

**BACKGROUND INFORMATION:** Pastor Dale Edwards, selected by the City Council to lead a team-building effort, has worked with individual Council Members and the appointees to ascertain issues and resolutions that might enhance Council's working relationships. Subsequently Pastor Edwards suggested that Council adopt a "City of Lodi, Code of Ethics and Values," which he modeled after the City of Santa Clara.

The Code of Ethics and Values is attached for Council's review and for possible action.

**FUNDING:** Not applicable.

---

Janet S. Keeter  
Deputy City Manager

JSK

Attachment

---

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager





## **CITY OF LODI**

### **Code of Ethics and Values**

---

#### **PREAMBLE**

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of Lodi has adopted this Code of Ethics and Values to promote and maintain the highest standards of personal professional conduct in the City's government. All elected and appointed officials, City employees, volunteers, and others who participate in the City's government are required to subscribe to this Code, understand how it applies to their specific responsibilities, and practice its eight core values in their work. Because we seek public confidence in the City's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

**1. As a representative of the City of Lodi, I will be ethical.**  
**In practice, this value looks like:**

- a) I am trustworthy, acting with the utmost integrity and moral courage.
- b) I am truthful, do what I say I will do, and am dependable.
- c) I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, and financial and other personal interest that impair my independence of judgment or action.
- d) I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- e) I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions.
- f) I show respect for persons, confidences, and information designated as "confidential."
- g) I use my title(s) only when conducting official City business, for information purposes, or as an indication of background and expertise, carefully considering whether I am exceeding or appearing to exceed my authority.

**2. As a representative of the City of Lodi, I will be professional.**  
**In practice, this value looks like:**

- a) I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
- b) I approach my job and work-related relationships with a positive attitude.
- c) I keep my professional knowledge and skills current and growing.

**3. As a representative of the City of Lodi, I will be service-oriented.**  
**In practice, this value looks like:**

- a) I provide friendly, receptive, courteous service to everyone.
- b) I am attuned to, and care about, the needs and issues of citizens, public officials, and City workers.
- c) In my interactions with constituents, I am interested, engaged, and responsive.

**4. As a representative of the City of Lodi, I will be fiscally responsible.  
In practice, this value looks like:**

- a) I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability.
- b) I demonstrate concern for the proper use of City assets (e.g. personnel, time, property, equipment, and funds) and follow established procedures.
- c) I make good financial decisions that seek to preserve programs and services for City residents.

**5. As a representative of the City of Lodi, I will be organized.  
In practice, this value looks like:**

- a) I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short- and long-term goals.
- b) I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
- c) I am respectful of established City processes and guidelines.

**6. As a representative of the City of Lodi, I will be communicative.  
In practice, this value looks like:**

- a) I convey the City's care for and commitment to its citizens.
- b) I communicate in various ways that I am approachable, open-minded, and willing to participate in dialog.
- c) I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response, which adds value to conversations.

**7. As a representative of the City of Lodi, I will be collaborative.  
In practice, this value looks like:**

- a) I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- b) I work toward consensus-building and gain value from diverse opinions.
- c) I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
- d) I consider the broader regional and state-wide implications of the City's decisions and issues.

**8. As a representative of the City of Lodi, I will be progressive.  
In practice, this value looks like:**

- a) I exhibit a proactive, innovative approach to setting goals and conducting the City's business.
- b) I display a style that maintains consistent standards, but is also sensitive to the need to compromise, "thinking outside the box," and improving existing paradigms when necessary.
- c) I promote intelligent and thoughtful innovation in order to forward the City's policy agenda and City services.



**LODI CITY COUNCIL**  
**Carnegie Forum**  
**305 West Pine Street, Lodi**

**AGENDA - Lodi Public Improvement Corp.**

**Date: June 2, 2004**

**Time: 7:00 p.m.**

For information regarding this Agenda please contact:

**Susan J. Blackston**

**City Clerk**

**Telephone: (209) 333-6702**

***MEETING OF THE  
Public Improvement Corporation (PIC)  
of the City of Lodi***

- A. Call to order – President
- B. Roll call to be recorded by Secretary
- Res. C. Resolution electing new Officers
- D. Other business
- E. Comments by public on non-agenda items
- F. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

---

Susan J. Blackston  
Secretary  
Lodi Public Improvement Corporation



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Meeting of the Lodi Public Improvement Corporation (LPIC) for the Purpose of Electing New Officers

**MEETING DATE:** June 2, 2004

**PREPARED BY:** City Clerk

---

**RECOMMENDED ACTION:** That the Lodi Public Improvement Corporation (LPIC) conduct a meeting for the purpose of electing new officers to the Corporation and adopt a resolution certifying the same.

**BACKGROUND INFORMATION:** Inasmuch as a new Finance Director has been appointed, it is necessary to appoint a new Treasurer to the Corporation and confirm the officers for 2004.

The appropriate resolution is attached as Exhibit A. There is no other business to come before the Corporation at this meeting.

**FUNDING:** None required.

---

Susan J. Blackston  
City Clerk

SJB/jmp

Attachments

---

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. LPIC2004-02

A RESOLUTION ELECTING OFFICERS OF THE  
LODI PUBLIC IMPROVEMENT CORPORATION

=====

WHEREAS, under the organizational procedures of the Lodi Public Improvement Corporation, an annual meeting of Directors shall be held and officers elected.

NOW, THEREFORE, BE IT RESOLVED by the Directors of the Lodi Public Improvement Corporation that the following persons are elected to the offices set forth opposite their names below as officers of the Corporation, to serve until the election and qualification of their successors as provided in Article III, Section 2, of the bylaws of the Corporation:

<u>Name</u>	<u>Title</u>
Larry D. Hansen	President
John Beckman	Vice President
James R. Krueger	Treasurer
Susan J. Blackston	Secretary

Dated: June 2, 2004

=====

I hereby certify that Resolution No. LPIC2004-02 was passed and adopted by the Board of Directors of the Lodi Public Improvement Corporation in a regular meeting held June 2, 2004, by the following vote:

AYES: DIRECTORS –

NOES: DIRECTORS –

ABSENT: DIRECTORS –

ABSTAIN: DIRECTORS –

SUSAN J. BLACKSTON  
Secretary

LPIC2004-02



**LODI CITY COUNCIL**  
**Carnegie Forum**  
**305 West Pine Street, Lodi**

**AGENDA - Industrial Development Authority**

**Date: June 2, 2004**

**Time: 7:00 p.m.**

For information regarding this Agenda please contact:

**Susan J. Blackston**

**City Clerk**

**Telephone: (209) 333-6702**

**Industrial Development Authority (IDA)**  
**of the City of Lodi**

- A. Call to order – Chairperson
- B. Roll call to be recorded by Secretary
- Res. C. Resolution electing new Officers
- D. Other business
- E. Comments by public on non-agenda items
- F. Adjournment

Pursuant to Section 54956.2(a) of the Government Code of the State of California, this Agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

---

Susan J. Blackston  
Secretary  
Industrial Development Authority



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Meeting of the Industrial Development Authority (IDA) for the Purpose of Electing New Officers

**MEETING DATE:** June 2, 2004

**PREPARED BY:** City Clerk

---

**RECOMMENDED ACTION:** That the Industrial Development Authority (IDA) of the City of Lodi adopt a resolution electing new officers.

**BACKGROUND INFORMATION:** Inasmuch as a new Finance Director has been appointed, it is necessary to appoint a new Treasurer to the Authority and confirm the officers for 2004.

The appropriate resolution is attached as Exhibit A. There is no other business to come before the Authority at this meeting.

**FUNDING:** None required.

---

Susan J. Blackston  
City Clerk

SJB/jmp

Attachments

---

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. IDA-25

A RESOLUTION OF THE INDUSTRIAL DEVELOPMENT  
AUTHORITY AMENDING RESOLUTION NO. IDA-24 BY  
ELECTING NEW OFFICERS

=====

RESOLVED by the Industrial Development Authority that Industrial Development Authority Resolution No. IDA-24 is hereby amended by electing new officers, as follows:

SECTION 1: There shall be appointed from the Board of Directors a Chairperson and Vice Chairperson as follows:

Chairperson: Larry D. Hansen

Vice Chairperson: John Beckman

SECTION 2: There shall be appointed from the staff to the Authority, a Secretary and Treasurer, as follows:

Secretary: Susan J. Blackston

Treasurer: James R. Krueger

SECTION 3: This Resolution shall take effect immediately upon its passage.

=====

Approved and adopted June 2, 2004, by the following vote:

AYES: AUTHORIZING MEMBERS –

NOES: AUTHORIZING MEMBERS –

ABSENT: AUTHORIZING MEMBERS –

ABSTAIN: AUTHORIZING MEMBERS –

\_\_\_\_\_  
LARRY D. HANSEN  
Chairperson, Industrial Development  
Authority, City of Lodi, California

Attest:

SUSAN J. BLACKSTON, Secretary  
Industrial Development Authority,  
City of Lodi, California





**LODI CITY COUNCIL**  
**Carnegie Forum**  
**305 West Pine Street, Lodi**

**AGENDA - Lodi Financing Corporation**  
**Date: June 2, 2004**  
**Time: 7:00 p.m.**

For information regarding this Agenda please contact:

**Susan J. Blackston**  
**City Clerk**  
**Telephone: (209) 333-6702**

***MEETING OF THE***  
**Lodi Financing Corporation**

- A. Call to order – President
- B. Roll call to be recorded by Secretary
- Res. C. Resolution electing new Officers
- Res. D. Adopt resolution approving the retention of Folger Levin & Kahn as outside counsel and approving waiving the joint representation conflict (CA)
- E. Other business
- F. Comments by public on non-agenda items
- G. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

---

Susan J. Blackston  
Secretary  
Lodi Financing Corporation



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Meeting of the Lodi Financing Corporation for the Purpose of Electing New Officers  
**MEETING DATE:** June 2, 2004  
**PREPARED BY:** City Clerk

---

**RECOMMENDED ACTION:** That the Lodi Financing Corporation conduct a meeting for the purpose of electing new officers to the Corporation and adopt a resolution certifying the same.

**BACKGROUND INFORMATION:** Inasmuch as a new Finance Director has been appointed, it is necessary to appoint a new Treasurer to the Corporation and confirm the officers for 2004.

The appropriate resolution is attached as Exhibit A.

**FUNDING:** None required.

---

Susan J. Blackston  
City Clerk

SJB/jmp

Attachments

---

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. LFC-11

A RESOLUTION ELECTING OFFICERS OF  
THE LODI FINANCING CORPORATION

=====

WHEREAS, under the organizational procedures of the Lodi Financing Corporation, an annual meeting of Directors shall be held and officers elected.

NOW, THEREFORE, BE IT RESOLVED by the Directors of the Lodi Financing Corporation that the following persons are elected to the offices set forth opposite their names below as officers of the Corporation, to serve until the election and qualification of their successors as provided in Article III, Section 303, of the bylaws of the Corporation:

<u>Name</u>	<u>Title</u>
Larry D. Hansen	President
John Beckman	Vice President
James R. Krueger	Treasurer
Susan J. Blackston	Secretary

Dated: June 2, 2004

=====

I hereby certify that Resolution No. LFC-11 was passed and adopted by the Board of Directors of the Lodi Financing Corporation in a regular meeting held June 2, 2004, by the following vote:

AYES: DIRECTORS –

NOES: DIRECTORS –

ABSENT: DIRECTORS –

ABSTAIN: DIRECTORS –

SUSAN J. BLACKSTON  
Secretary



## CITY OF LODI – LODI FINANCING CORPORATION COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution approving retention of Folger, Levin & Kahn as Outside Counsel and approving waiving the joint representation conflict

**MEETING DATE:** June 2, 2004

**PREPARED BY:** Interim City Attorney

---

**RECOMMENDED ACTION:** That the Board of Directors adopt a Resolution approving the retention of Folger, Levin & Kahn as Outside Counsel for the Environmental Abatement Program litigation, and further approve the waiving of the joint representation conflict.

**BACKGROUND INFORMATION:** Following a lengthy proposal process, we are now in the position to formalize the hiring of the law firm of Folger, Levin & Kahn to act as Outside Counsel to litigate the complex environmental lawsuits in which the City of Lodi is involved relating to the soil and water contamination.

Also before you this evening as a matter of law, it is necessary that the City Council acknowledge that a joint representation conflict exists in hiring the law firm of Folger, Levin & Kahn. The City Council if it so desires can approve the waiving of the joint representation conflict. By doing so, you acknowledge that there is a potential conflict in having a single firm represent two different entities (the City of Lodi and the Lodi Financing Corporation) who may during the course of the litigation have different interests.

---

D. Stephen Schwabauer  
Interim City Attorney

**FUNDING:** Water Fund

---

James R. Krueger, Finance Director

DSS/pn

---

APPROVED: \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. LFC-12

A RESOLUTION APPROVING THE RETENTION OF  
FOLGER LEVIN & KAHN AS OUTSIDE COUNSEL  
RELATING TO THE ENVIRONMENTAL ABATEMENT  
LITIGATION, AND FURTHER APPROVES WAIVING THE  
JOINT REPRESENTATION CONFLICT

=====

NOW, THEREFORE, BE IT RESOLVED, that the Directors of the Lodi Financing Corporation hereby authorizes the retention of the law firm of Folger, Levin & Kahn to serve as outside counsel for the Environmental Abatement Program litigation; and

BE IT FURTHER RESOLVED that the Directors do hereby approve waiving the joint representation conflict.

Dated: June 2, 2004

=====

I hereby certify that Resolution No. LFC-12 was passed and adopted by the Lodi City Council in a regular meeting held June 2, 2004, by the following vote:

AYES: DIRECTORS –

NOES: DIRECTORS –

ABSENT: DIRECTORS –

ABSTAIN: DIRECTORS –

SUSAN J. BLACKSTON  
Secretary



**LODI CITY COUNCIL**  
**Carnegie Forum**  
**305 West Pine Street, Lodi**

**AGENDA – Redevelopment Agency**  
**Date: June 2, 2004**  
**Time: 7:00 p.m.**

For information regarding this Agenda please contact:

**Susan J. Blackston**  
**City Clerk**  
**Telephone: (209) 333-6702**

**MEETING OF THE**  
**Redevelopment Agency**  
**Of the City of Lodi**

- A. Call to order – Chairperson
- B. Roll call to be recorded by Secretary
- Res. C. Resolution electing new Officers
- D. Other business
- E. Comments by public on non-agenda items
- F. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

---

Susan J. Blackston  
Secretary  
Redevelopment Agency of the City of Lodi



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Meeting of the Redevelopment Agency of the City of Lodi for the Purpose of Electing New Officers

**MEETING DATE:** June 2, 2004

**PREPARED BY:** City Clerk

---

**RECOMMENDED ACTION:** That the Redevelopment Agency of the City of Lodi conduct a meeting for the purpose of electing new officers to the Agency and adopt a resolution certifying the same.

**BACKGROUND INFORMATION:** Inasmuch as a new Finance Director has been appointed, it is necessary to appoint a new Treasurer to the Agency and confirm the officers for 2004. In addition, due to the current City Attorney vacancy, it is recommended that the title of City Attorney be authorized under "General Counsel."

The appropriate resolution is attached as Exhibit A. There is no other business to come before the Agency at this meeting.

**FUNDING:** None required.

---

Susan J. Blackston  
City Clerk

SJB/jmp

Attachments

---

**APPROVED:** \_\_\_\_\_  
H. Dixon Flynn, City Manager

RESOLUTION NO. RDA2004-01

A RESOLUTION OF THE REDEVELOPMENT AGENCY  
OF THE CITY OF LODI ELECTING OFFICERS  
OF SAID AGENCY

=====

WHEREAS, under the organizational procedures of the Redevelopment Agency of the City of Lodi, an annual meeting of Members shall be held and officers elected.

NOW, THEREFORE, THE REDEVELOPMENT AGENCY OF THE CITY OF LODI DOES HEREBY RESOLVE that the following persons are elected to the offices set forth opposite their names below as officers of the Agency, to serve until the election and qualification of their successors as provided in Article II of the bylaws of the Agency:

<u>Name</u>	<u>Title</u>
Larry D. Hansen	Chairperson
John Beckman	Vice Chairperson
H. Dixon Flynn	Executive Director
Susan J. Blackston	Secretary
James R. Krueger	Finance Director
City Attorney	General Counsel

Dated: June 2, 2004

=====

I hereby certify that Resolution No. RDA2004-01 was passed and adopted by the Members of the Redevelopment Agency of the City of Lodi in a regular meeting held June 2, 2004, by the following vote:

AYES: MEMBERS –  
NOES: MEMBERS –  
ABSENT: MEMBERS –  
ABSTAIN: MEMBERS –

\_\_\_\_\_  
Larry D. Hansen  
Chairperson, City of Lodi  
Redevelopment Agency

Attest:

\_\_\_\_\_  
Susan J. Blackston  
Secretary, City of Lodi Redevelopment Agency



Comments by the City Council Members on non-agenda items